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MESSAGE

OF

HIS EXCELLENCY, GOV. GRAHAM,

TO THE

LEGISLATURE OF NORTH CAROLINA,

At the Session of

1846-'47

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE
1846.

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MESSAGE.

To the Honorable, the General Assembly of North Carolina:

The periodical meeting of the representatives of the people, animated with a zeal for the public welfare, bringing to the Capitol a knowledge of the sentiments, wishes and wants of their constituents, as well as of the most recent experience of the action of the Government, in every region of the State, and clothed with powers more important, than have been granted to any other of our public agents, is habitually expected, as an occurrence of interest by every citizen. To none does it come with a more welcome satisfaction, than to that department of our system, which is charged with the administration of public affairs, and with watching over the public interest in the vacation of the Legislature.

Before presenting to your consideration, the matters of general concern demanding our joint counsels and mutual endeavors, for the well being of the State, I deem it meet to remind you, of our obligations of gratitude to the Supreme Ruler of the Universe, for the preservation of our Institutions, and the countless blessings of his Providence, which have been continued to us through another two years of our political existence. Though we have been afflicted by disease, to a greater and more fatal extent than has usually fallen to our lot, have suffered from drought, and consequent failure of crop, and from casualties by flood and fire, yet, have we abundant reason to rejoice, in what has been vouchsafed to us, rather than to repine, at what has been suffered or denied.

The Revenue and Finances of the State, always a subject of moment to the people, and to the Legislature, will derive additional importance at your present Session from the circumstances which now surround us. The Reports of the

Public Treasurer, and Comptroller of Public Accounts, will make you acquainted with the transactions at that department since the last adjournment of the Legislature, and the demands which will fall upon it, before the next biennial meeting. Our present political arrangement, comprising biennial Sessions of the Legislature, and seven Judges of the Superior Courts, besides the Judicial and Executive establishments formerly existing, has now continued for ten years. During this period, the average expenditure for the ordinary support of the Government (exclusive of disbursements for re-building the Capitol, and the interest on a loan effected to pay the State's subscription for Stock in the present Bank of the State, in former years, and of payments on account of suretyships for Rail Road Companies, more recently,) may be stated with sufficient accuracy at about $67,500 per annum: or $90,000 for the odd, and $45,000 for the even year of the series —the difference being obviously occasioned by the Session of the Legislature in each alternate year. In the same time, the income from ordinary sources of Revenue has averaged $83,000, the excess of which, over and above the ordinary expenses, has been devoted to the account of re-building the Capitol, interest on the State's debt, as before mentioned, until it was discharged, and of her liabilities for the Rail Road Companies. These extraordinary demands on the Treasury, by reason of the Rail Road liabilities, have so accumulated from the failure of the Legislature, at either of the two last sessions, to make timely provision to meet them, as to increase the difficulty of your task. But, it is believed, that this may be readily overcome by proper and energetic action now, without imposing onerous or unjust burthens upon our constituents.

For the Wilmington & Raleigh Rail Road Company, the State became surety by the act of 1840, for the sum of $800,000, payable in six annual instalments of $50,000 each—beginning on the 1st of January 1842, and ending the 1st of January 1847. The first of these instalments was paid by the Company. The second falling due the 1st of January 1843, while the General Assembly was in session, and being apprized that the Company was unable to discharge

it, they directed the Literary Board to invest $50,000 of its funds, by purchasing the bonds, which constituted the evidence of this debt. These bonds are still held as a part of the funds of that Board. But, for the instalment, payable the 1st of January 1844, no provision was made in the event of its falling on the State; which contingency happening, it was taken up by the Treasurer, with the public funds, and that set of bonds is now held at the Treasury. By the Act of the Legislature, at the last Session, other bonds indorsed by the State were allowed to be issued, in lieu of those becoming due in 1845 and 1846, on which credits were extended to 1848 and 1849, the interest whereof has been kept down by the Company, as it has been also on those held by the Literary Board, and the Public Treasurer. A new mortgage on all the property of the Company, was taken to secure the State against this new indorsement. I am not informed whether this Company is prepared to pay off the remaining instalment on the 1st of January next, but their income is undoubtedly sufficient for the payment of all their interest on loans, and the gradual reduction of their principal debt. While this continues to be the case, there can be no objection to continuing the State's credit to them, to the extent of her present liabilities. It is not therefore anticipated, that any demand on the Treasury will, in future, arise from the affairs of the Company.

By an Act of the General Assembly in 1839, the State became, in like manner, surety to the Raleigh and Gaston Rail Road Company, for the sum of $500,000, of which the interest was to be paid semi-annually as it accrued, and the principal to be redeemed at the pleasure of the Legislature, at any time after the 1st of January 1860. A like suretyship for $300,000 was undertaken for this Company by an Act, passed in 1841, the interest whereof was to be paid as on the former loan, and the one-tenth of the principal to be repaid on the 1st of January, in each year from 1845 to 1854 inclusive. Of this class of bonds, it is understood that $13,000 was never used by the Company, and, therefore, that the State, as an accommodation indorser, is not liable on them. This latter Company, having paid no part

of its principal debt, and but a single instalment of interest, its whole liability has, for the present, fallen on the State, which has, thus far, kept down the interest on both descriptions of bonds, and discharged two instalments of principal, being $30,000 each, and becoming payable in the years 1845 and 1846 respectively. To accomplish this, however, some portion of the Literary Fund has been used and $50,000 have been borrowed from the Bank of Cape Fear. The State is, therefore, still bound for the interest semi-annually, on the whole sum remaining, viz. $727,000, until paid, as also for $30,000 per annum of principal, for the next eight years, and the residue of $500,000 at such time after the 1st of January 1860, as the Legislature shall hereafter appoint. For her indemnity against these responsibilities, she has 1st, the proceeds of sale of the Raleigh and Gaston Rail Road, if it shall be deemed expedient to make a re-sale, or its income, over and above expenses, if retained. 2nd, the obligations of individual Stockholders, under the 14th section of the Act of 1839, and of the Stockholders and subscribers, who gave bond under the Act of 1841. Whether these resources can be relied on, to indemnify the State ultimately, against her whole liability for this Company, admits of question; but, that they will afford the means of indemnity to a very considerable extent, is not doubted. These means, however, will not be in hand, in season to meet the more immediate calls on the Treasury, as before stated, and the scrupulous fidelity and honor, with which North Carolina has ever maintained her public engagements, require that ample means shall be provided in advance, to save the public faith in any contingency. While, therefore, your efforts will be directed to the most eligible mode of making this indemnity effectual, it is indispensable that measures shall be adopted for an increase of the Revenue. How this can be realized with the least hardship to the people, has employed my anxious reflections, and the result is offered with the deference due to the superior wisdom of the Legislature.

Our income, at present, is derived chiefly from levies on Lands and persons. These should not be augmented, until

other sources of Revenue have been tried; but the rates, now laid, should be faithfully paid, and punctually and fully exacted. And, independently of the pressing wants of the Treasury, I should have recommended a new assessment of Lands, with a view to greater accuracy in the fixation of value on each tract, and some provision for a more correct enlistment of Polls, as a measure of justice to the State and of equalizing effect among her citizens. Our Land tax for 25 years past, has been the moderate rate of six cents per annum on the one hundred dollars value. The habitual negligence, which has prevailed in returning lands for taxation, and ascertaining their value, will be manifest from a few facts in the history of the Revenue. In the year 1815, the aggregate value of the lands of the State, assessed for taxation under the Law of Congress, was $53,521,513. But, in the year 1836, the whole quantity of land listed for taxation was valued at only $39,136,108. To correct this criminal delinquency in enlistment and valuation, the Act of 1836 directed a new assessment of Land and improvements, by means of which, the same subject of taxation in the next year was raised in value to $51,021,317, and $6,000 more was added to the Revenue. This valuation, however, is obviously defective, since it falls two and a half millions of dollars below that of 1815, although more than a million and a half of acres had been patented in the mean time. It is reasonably estimated, that with an area of 50,000 square miles within our boundaries, there are 45,000 square miles, or near twenty-nine millions of acres of territory inhabited. Making the utmost allowance for lands not yet granted, it can hardly be possible that less than twenty-five millions of acres are chargeable with taxes. But from a statement appended to the Report of the Comptroller, it seems that 23,267,472 acres comprise all, of which any returns have been received, and that of this, the average value for taxation is but $2,28¼ per acre, against a like average of $2 69 in 1815. The act of 1836 contains no direction for a new assessment at any subsequent time, and the valuation under it, loosely made ten years ago, is the criterion of our Land Revenue at present. Besides, very consider-

able quantities, since entered and patented, ten years have greatly enhanced the price of much of the Land in the State, in consequence of improvements and discoveries made within that period. The erection of Manufacturing Establishments, the discovery of Mines, the construction of 250 miles of Rail Road, the improvements on Real Estate in many of our Towns, and the rise in value of Forest lands, yielding Turpentine, will at once occur as illustrations of this truth, to say nothing of those devoted to ordinary culture. There may be occasional instances of a decline in value, but with the data before us, it can hardly admit of question, that upon a fair assessment of Land and improvements, the aggregate value will exceed sixty millions of dollars; and that from failure in duly exacting the present rate of Land tax, the State is annually deprived of seven or eight thousand dollars, at the least calculation. Surprising as this may appear, there seems to be a *deficit* of nearly an equal amount, in the payment of the Poll tax. The tabular Statement of the Comptroller, before referred to, exhibits for taxation the next year 62,795 black, and 54,226 white Polls, including all of whom there is any account, both listed and unlisted. The Slave population of the State, according to the Census of 1840, numbered 245,817. All of these, between the ages of 12 and 50, are subject to taxation; and by estimates from reliable sources, this regulations renders taxable rather more than one-half on each Plantation. A full enumeration, therefore, of taxable Blacks, ought to embrace about 125,000. Of Whites, all males are taxable between the ages of 21 and 45 years. There are found on our Muster Rolls, the names of 76,568 men, comprehending those between the ages of 18 and 45 generally, but not including numerous exempts under various Statutes. Making liberal deductions for those between 18 and 21, and adding exempts from military duty, who are liable to taxation, and there must still remain more than 70,000 taxable white Polls, and, consequently, a total of 195,000 taxable Polls in the State. Our Poll tax has been gradually increasing for the last few years, and, for the past year, appears to have been collected on 164,464 persons. That it has been negligently attended

to, is manifest from variances of from four to five hundred dollars per annum, sometimes on one side and sometimes on the other of the account, in the amounts collected during the last four years. It is, therefore, an imperative duty of the Legislature, as well, in justice to those citizens whose Lands and Polls are fairly assessed and enlisted, and who are contributing accordingly into the Public Treasury, as to the State itself, to require a new assessment of Lands and improvements, to be justly made, on inspection of the premises if necessary, and to provide for an accurate and full Census of all taxable persons. No valuation of Lands can continue to be a just criterion of worth for any considerable period, and a re-assessment should be provided for, once at least in five years, if it be not annual. By adopting these measures of fairness and justice, to collect what is now imposed, without any increase of taxes, it may be reasonably expected that the Public Revenue from present sources, now equal to about $86,000, may be raised to $100,000, per annum. These regulations should be made to take effect immediately, that the Treasury may experience their benefit in the course of the next year.

Further to augment the Revenue, it is proposed that a tax be imposed on Pleasure Carriages, and Gold Watches kept for use, and, if deemed expedient, on any other articles of luxury, to go into operation at once, and continue in force until the expiration of the next Session of the General Assembly.

It is submitted to your inquiry, in connection with the Revenue, whether the Bank of Cape Fear has paid to the State, and the Literary Fund, the full amounts semi-annually due for Dividends—their custom, being to pay the tax on the Shares of Stock owned by individuals, out of the *whole* profits of the Bank, instead of the Dividends of profits allotted to individuals. This course is supposed by them, to be sanctioned by a decision of the Supreme Court, on the taxing clause in their old Charter; but the renewed Charter of 1833 is in different language, and it could hardly have been the design of the Legislature to exact a less tax on

the Stock of individuals in this Bank, than on that in similar institutions in the State.

To aid the Treasury, until other means can be realized, I suggest that the Bonds, Notes and Judgments, held by the Literary Board, consisting chiefly of the unexpended balance appropriated to drain Swamp Lands, be turned over to the Public Treasurer, to be collected and applied according to our necessities; but, that the State be charged with the amount thereof, as a loan, the interest of which shall be faithfully paid as an annual part of the distribution for the support of Common Schools. The effectual security of the Principal, and the punctual payment of the interest, is all that is now desired from the Literary Fund. The proposed disposition of this part of it, while it supplies the present wants of the State, will relieve the School Fund from the expense incident to the present Loan Office in the Literary Board; and the increased Revenue, in the mode already set forth, will afford ample means for the payment of the interest. It will simplify the Public Accounts, to direct the Bonds of the Wilmington and Raleigh Rail Road Company, now lying in the Treasury, and amounting to $50,000 as before stated, to be transferred to the Literary Fund, and as an equivalent, that the Tavern and Auction taxes be hereafter paid into the Public Treasury.

To liquidate the State's responsibility for the Raleigh and Gaston Rail Road Company, as early as practicable, I recommend the creation of a sinking fund, to be applied in buying in and cancelling both kinds of Bonds, when they can be purchased at, or below *par*, to consist, 1st, of any Surplus which may be in the Treasury, after defraying customary expenses and specific appropriations. 2nd. Any income derived from said Rail Road if retained, or its proceeds, if sold. 3rd. Any recoveries effected against the Stockholders in said Company, under the 14th section of the Act of 1839, or against the Stockholders and Subscribers under the Act of 1841. Suits are now pending against sundry obligors on the Bonds, given for the State's indemnity under the Act of 1841, who failed to renew their bonds biennially, as required by Law, and I regret that no decision has, as yet, been

rendered in the premises. It is contended on behalf of the State, that a failure to renew, is a breach of the condition of the Bond, inducing a forfeiture of the whole penalty. Since the foreclosure of the Mortgages, and the insufficiency of the real and personal estate of the Company, to indemnify the State in her securityship, it has become an interesting question to what extent can she claim to be indemnified by the individual Stockholders and Bondsmen, and at what time is her right thereto to be asserted? By the 14th section of the Act of 1839, in the case which has happened, to wit, "of the insufficiency of the property of the Company to pay off and satisfy the full amount of Bonds, then directed to be indorsed, including the *principal and the interest thereon*," each and every Stockholder was to be bound, to pay towards making up such deficiency, an amount corresponding with his Stock held therein, at the time when such deficiency should be ascertained. The Act of 1841, designed from its title, further to secure the State against loss, as well as to grant further aid to the Company, provided amongst other things, for the execution and delivery of Bonds, in the aggregate penal sum of $500,000, by Stockholders and Subscribers, covenanting to indemnify the State against any loss or damage, in consequence of her suretyship in the premises, and "insufficiency of the real and personal estate and property of said Company to discharge the same." It would seem, therefore, to have been the intention of the Act of 1839, to hold the Stockholders individually responsible for "any loss to the State in the payment of principal or interest," after applying the mortgaged property, to an equal amount with their subscriptions of stock. Nothing that I perceive, in the Act of 1841, changes that intention. The Bonds directed to be taken, appear to have been purposed, at the least, as cumulative security for the former liability, and to provide a more easy remedy in case of non-compliance. Whether the Bonds actually taken conform to this construction of the Statute, or whether it may be necessary to resort to a Court of Equity to assert the State's remedy in its full extent, on the ground of mistake or inadvertence in framing the Bonds, is a matter for your mature

deliberation. That the Act of 1839, section 14, obliged the Stockholders to save the State harmless, both as to principal and interest, cannot be doubted. Nor, will it be readily admitted, that the Act of 1841, *in pari materia*, was designed to abridge or surrender any security. Those Stockholders, who did not give Bonds, seem to be responsible to the amount of their stock, under the Act of 1839, for both interest and principal. And it would be an anomaly in the subsequent proceeding, if they are under heavier obligations than their associates, who entered into bonds besides being Stockholders.

But whatever may be the extent of the liability of these Stockholders and bondsmen, or whatever may be the forum to enforce it, I apprehend that the event has happened on which it may be at once asserted. An opinion has prevailed, that the State, although obliged to pay interest in the mean time, and $500,000 of principal in 1860, or thereafter, could have no redress on these obligations until after that distant period. The law, it is true, renders the debt irredeemable, until that time, to give the capitalist assurance of a long loan and thereby to enhance the value of the stock. But after exhausting the remedy by mortgage, and it being demonstratively certain, that a large balance even of principal, must be paid by the State, I see nothing which requires delay in exacting any part of the indemnity stipulated. Should these suggestions meet your concurrence, you will of course give the corresponding directions to the Law officers of the State. How much may be realized, either from the income or re-sale of the Rail Road, or from the liabilities just referred to, is as yet uncertain. In advising, therefore, but a temporary provision for extra taxation, I am influenced by the consideration, that possibly it may not longer be required, rather than by the fear of any aversion of our constituents, to contribute whatever may be needed to redeem the public obligations, however incautiously or unfortunately entered into. The odious doctrine that a State may refuse or postpone the fulfilment of contracts guaranteed by her public faith and sovereign honor, has no resting place in all our borders, and I

am yet to hear of a single exception to the unanimity of our people upon this subject.

Legal proceedings were instituted for the foreclosure of the Mortgages, on all the property of the Raleigh and Gaston Rail Road Company, at Spring term, 1845, of the Court of Equity of Wake County, as directed by the Act of the last Session. But owing to the resistance made by the Company and the decision of the Superior Court in their favor, an appeal was rendered necessary to the Supreme Court, and the decree of foreclosure was postponed until the Autumn term of that year. A sale under this decree was made on the 29th of December following, and the Rail Road, and all other property of the Company, was purchased by the State, on the bid of the Governor, at the sum of $363,000, the amount authorized by the act aforesaid. Possession was taken on the first of January, 1846, by the Board of Commissioners constituted by the Act in the event of such a purchase, and officers and agents were appointed to manage and conduct the operations on the road, as the property of the State. A report of their action thus far, will be laid before you by the Board in a few days, embracing the statements of the President and Treasurer; and the journal of the Commissioners, as well as all the vouchers and books of account of these officers will be at any time open to your inspection. Upon the construction given to the Law by the Executive, no part of the former earnings of the Rail Road secured to the State, by a decree of sequestration against the Company, could go into the hands of the Commissioners; and the sum of $2,600 accruing from that source has been therefore paid into the Public Treasury. It will thus be perceived, that to support the operations of the Road in all its departments, there was to be no other reliance than on its own receipts, from and after the first of January last.

The experiment to this time, removes all doubt of the ability of the Road to sustain itself, if well conducted, so that its advantages will still be continued to the people of the State, and encourages the belief, that after all necessary outlays for repairs and expenses, even at the present rate of income, it will afford some returns to the Treasury as pro-

fits on its cost. The current year has not been regarded as quite so favorable to the business of the road, as may be expected in general, by reason of diminished freights, from the shortness of the crop of Tobacco, less accommodation in Stage travelling in connexion with the Rail Road, and other causes. Notwithstanding these disadvantages, however, the amount of earnings of the establishment for ten months, has been near $51,678 00, and the disbursements in the same time, for expenses, including the purchase in October, of an additional Locomotive, about $36,000 00. The Officers of the Road have been instructed, that while they observed all prudence and economy in expenditure, no needful repairs were to be neglected; and its condition is believed to be now equal to, if not better than, at the time of sale. On the 1st of July last, the sum of $7,200 was paid out of its profits into the Public Treasury, to defray the interest on $240,000 of Rail Road Bonds, then falling due, for which the State was bound, as already shown; and on the 31st of October, there had accumulated a balance of about $8,300 more.

The importance of this public work to the Agriculture and Merchandize of the country, will be apparent from the exhibit of 25,500 00 dollars of the above earnings, for freight on transportation of property. What disposition shall now be made of the Rail Road, is an enquiry of much consequence. It was not thought expedient to offer it for sale, under the powers conferred on me by the Act of Assembly; and no tenders have been made for purchase. I recommend that it be placed under the control of the Board of Internal Improvement, or other Commissioners specially appointed for that purpose, with ample powers to make sale in whole or in part, and to agree in their discretion upon terms and price limited only by the amount at which it was purchased by the State as a minimum. But in the meantime, that a Committee of your body shall make a thorough examination of the *entire* concern, receive any offers of purchase that may be made, and give instructions to such Commissioners in so far as may be deemed advisable. Such works are more likely to be advantageously

carried on under the keen eye of individual interest, than with the supervision of public agents only. And it is therefore desirable, that at least half of the property in this Road be sold, that it may pass under the control of a directory having an interest in the adventure. This course is also made acceptable from the consideration, that any sums falling into the Treasury, from the sale of the Road, will, by so much, relieve it from the involvements contracted on its account.

The yearly Report of the Wilmington and Raleigh Rail Road Company has not yet been received, but will be submitted to you along with the Report of the Board of Internal Improvement. In November last, they exhibited a reduction of 30,000 dollars in principal of their debt, besides the payment of interest on all loans in the preceding twelve months; and it is supposed that the present has been a year of still greater prosperity to that Rail Road.

The Act of your last Session for the re-organization of the Portsmouth and Roanoke Rail Road Company, by a sale of its property, under the authority of both States, was not acceded to by the Legislature of Virginia. That body, however, has made a separate enactment upon the same subject matter, so novel in some of its provisions as to call for a moment's notice. It directs a sale of all the property and franchises of the Company in both States, by the Board of public works of Virginia; but provides, that if at the sale, or at any time thereafter, the State of North Carolina or any Company incorporated by her for purposes of Internal Improvement, should in any way become the owner of the said Rail Road, "the General Assembly of Virginia reserves the right to revoke all the powers, privileges and immunities conveyed by such sale, and to declare the same null and void." Now all this so far as relates to North Carolina, or to the known purposes of any of her citizens, is the mere effusion of a jealous and hostile spirit, without object or meaning. She had neither manifested nor entertained any wish to become the proprietor of this Rail Road. Her Board of Internal Improvement, it is true, stood in the situation of a

creditor of the Company for monies lent, but were amply secured by a Mortgage, on a part of the Rail Road property, prior in lien to any other. There is another provision in this act of more significance. It declares in a subsequent section, "that in case the authorities of the State of North Carolina, shall at any time, by legal process or otherwise, deprive the Petersburg Rail Road Company of any of the privileges and advantages of its charter, obtained from that State, for any act done, or omitted to be done, by the said Company, or by any means whatsoever, prevent the said Company from conducting their operations, on so much of their Rail Road as lies within the State of North Carolina, or any part thereof, by reason of any act heretofore done, or omitted to be done by said Company, then all the rights conferred by that act, on the purchasers of the Portsmouth and Roanoke Rail Road, shall cease and be determined, until the State of North Carolina shall reinstate the Petersburg Rail Road Company in all the privileges granted them, in the several acts passed for their benefit by said State, or unitl the Legislature of Virginia shall otherwise direct." To apprehend the full meaning of this clause, it must not be overlooked, that both the Petersburg and Portsmouth Rail Roads lie partly in North Carolina, and their respective Companies exercise and enjoy all their rights and privileges on this side of the line, under charters from her Legislature—that the last named Company were sued by a creditor, in an action at Law, and after judgment, an Execution was levied on that section of its Road, running through the County of Northampton, a sale and purchase took place by virtue thereof, and the Supreme Court affirmed the same, to the extent of conferring on the purchaser the legal title in the land and fixtures of the road, but not the franchise of transporting thereon. In this condition, the acquisition was of so little value or utility, that the advantages of the Road would, in all probability, have been continued to the public by the re-union of the estate and franchise, but for the action of the Petersburg Company. That Company entered into a covenant with the purchaser of the estate, to pay in instalments $60,000, for preventing transportation, over the section, of which the

title was in him, with a stipulation that the later payments should cease, whenever that part of the Road should again be brought into use. In other words, the Petersburg Company, in effect, bought from him the disuse of the Portsmouth Road, and paid him a consideration for withholding from the public the conveniences for which the Legislature had authorized its construction. The right of the individual party to this agreement, thus to dispose of his interest, under decision of the Court, is not denied; and had the other contracting party been a natural person, it would never have been questioned, however great might be the inconvenience of the loss of the Road. But in my view, a corporation, the mere creature of the Law, must look to its charter, for privileges not for restrictions: what is not authorized to it, is denied; and by consequence, the Petersburg Rail Road Company, permitted by its charter only, to construct a Road from that Town to its Southern terminus, and to transport on the same, had no right either to participate in the profits of transportation on the Portsmouth Road, or to suppress transportation thereon. Regarding this contract as designed for the destruction of the Portsmouth Road, to the end that the other might have a monopoly of the business done by both, and as such a public injury and transgression of its own corporate rights by the Petersburg Company, and perceiving that that Company had made no reports to the Legislature of this State, of its operations within our limits, as was expressly required to be periodically done, by the Act of its creation, I directed the Attorney General to file an Information against them in the Supreme Court, and require them to show cause why their charter should not be declared forfeited. At the last Term of that Court, judgment was rendered in this case for the defendant. The opinion announcing this decision is accessible to you, and to it, you are referred, to determine whether any new process shall be instituted in the premises, or whether any new Legislation be needed, to prevent mischiefs in like cases for the future.

It was while this Information was pending, that the General Assembly of Virginia, made their "enactment," in which it is

plainly intimated that if a contrary decision from that arrived at by the Court should be made, and this corporation should be deprived of any of its privileges, now enjoyed under our law, by reason of any neglect of duty, or by any transgression whatever, it should be retaliated with the loss of the Portsmouth Road also. This State had made herself no party in the rivalries of these Companies, but authorized the construction of both Roads, to procure the advantage of two highways for market and travel, expecting to her people, of course, the fruits of a fair emulation between them. But, in the dispensation of her justice, whether among corporations or individuals, and in the exaction of the homage due to her laws, in her own territory, no influences from abroad can be permitted to interfere. Not to remark on the departure from comity, implied in gratuitously assuming, that North Carolina desired to possess one of their Roads, and proclaiming by public advertisement, that she should be excluded from the biddings, though part of it was in her limits and existed by her leave, while the same Statute appoints agents to attend and bid for Virginia; and on the denunciation, that if, for violations of our law, ascertained and adjudged by our highest Judicial Tribunal, in a proceeding then before it, the Company owning the other Road should be deprived of any of the privileges and advantages granted to it by this State, then the use of both should be lost: This Act of the General Assembly of Virginia indicates a presumption on her part, of dependence by us, upon her, for markets and the means of reaching them, which requires an examination of the relations between us. In that point of view, it calls for a minute revision of the charters heretofore so liberally granted for the promotion of trade to her towns from this State, an investigation of the fulfilment of them by those to whom they have been granted, and, if necessary, the provision of new guards for the security of the advantages to us, which they were designed to procure. It also suggests the necessity of Improvements of our own, which shall break any such dependence, (where it may exist,) as far as possible, and place the State in a posture, at all times, to vindicate the public justice, (as must needs be done at any sacrifice,) without any apprehension of loss or inconvenience from privileges granted, being withdrawn by a neighboring State.

A Rail Road from Raleigh to Fayetteville would be an important work in such a system of Improvement. It would at once render a-

vailable the existing 87 miles of road in concentrating the trade of the country between Raleigh and the Roanoke, on the navigable waters of Cape Fear river, if an equally good market should be found there, and render us independent of that less liberal spirit and policy on the part of Virginia, which pervades the Statute on which I have been commenting. It is therefore recommended that this Road be encouraged, by the grant of a liberal charter, and by any other aid that the Legislature may deem expedient.

There has been much discussion recently in regard to an extension of both of the existing Rail Roads of this State, to a junction with those of South Carolina. I would greatly prefer a Road from Fayetteville to Salisbury or Charlotte, and thence penetrating South Carolina towards Camden, to either of the connexions proposed. But since the State is not in possession of means for the construction of such a work, and the individuals who may be disposed to patronize it prefer the more direct lines, so as rather to compete for travel, than to afford facilities for commerce and agriculture, I perceive no objection to granting charters to the patrons of the projected works, both from Wilmington and Fayetteville to South Carolina, leaving to individual enterprize to determine the success of either or of both. Neither would extend far enough through our territory to afford any greatly increased facility to our citizens in going to market, or add much to the business of our trading towns, while either would contribute largely to swell the stream of travel on the present Road, with which it may be joined.

From the action of Congress at the last session, there seems to be no probability at present, of the re-opening of the inlet between Albemarle Sound and the Atlantic, under their auspices. And I regretted to learn from the debates in that body, that the project had suffered prejudice from the last report in regard to it, by some member of the Engineer Corps of the United States. This report has not been seen by me, but will claim your examination, with a view to further action on the subject.

In conformity to the Resolution of the last Session, the Mortgages held by the State, on the Clubfoot and Harlow's Creek Canal, connecting Neuse River with Beaufort Harbor, were foreclosed; and a sale being decreed, the Public Treasurer, at my request, attended and bid in the Canal for the State. It will now devolve on you, to give directions for the future disposal of it. Boats of light draught yet pass through it, and although the

locks are decayed, I presume, for a reasonable expenditure, it may be made passable for sea-going vessels, sufficient in size for the coasting trade. Uniting as it does the best Harbor on the American coast, between the Capes of Virginia and those of Florida, with our interior waters, I deem it preferable that it shall be kept and improved by the State. But if no appropriation be made for its improvement, let it be disposed of to a Company, or individual, with some stipulation on the part of the purchaser, to keep it in order for Navigation, and to allow its use to the public for fair compensation.

A Canal from Lumber River to Cape Fear River, has long been in contemplation by the people in that quarter, and its obvious advantages, from an inspection of the map, ought to ensure for it at least a liberal Act of Incorporation.

More than thirty years ago, Companies were incorporated for the improvement of the Navigation of all the larger Rivers of the State, and an Engineer was employed, for a considerable time, in making Surveys, preparatory to a general system of Internal Improvement. Owing to causes not necessary to be now reviewed, scarcely any of the works then contemplated were completed, and all these chartered Companies, except in the instances of Roanoke and Cape Fear, have lost their privileges by *non-user*. Of late, a disposition has been manifested by the people of those sections, to re-attempt the Navigation of Neuse and Yadkin Rivers. I entertain no doubt, that by merely removing the timbers which are imbedded in the channel of Neuse River, and the branches of trees which overhang it, that it may be rendered navigable for Steamboats of the lighter kind, as high as Waynesborough, for two-thirds of the year, and that by the addition of locks and dams, this Navigation may be extended to a point within a dozen miles of Raleigh. A good Navigation has been effected, by this means, in the Kentucky River, and other streams discharging a less volume of water, and more subject to the annual influence of drought, than the Neuse. Were this accomplished in connexion with the passage of coasting vessels from Beaufort to Newbern, by enlarging the Canal before referred to, it could not fail to add much to the accommodation of the people, and to the wealth and commercial importance of the State. It is well ascertained, that there is no great impediment to the Navigation of the Yadkin River within our limits, above the narrows. The opening of that River, therefore, from Wilke-

borough to its intersection with the proposed Turnpike from Raleigh and Fayetteville, westward, and the completion of said Road, are works of great public importance, in which, if the State will not embark on her own account solely, she should not hesitate to second the patriotic efforts of the citizen. The survey of the routes for this Turnpike Road, according to the direction of the last General Assembly, has been completed, and the report of the Engineer may be expected at an early day.

The bad condition of our Public Roads, has long been the subject of general, and I apprehend, just reproach to the State. In the schemes of Improvement which have been put forth heretofore, too little space has been allotted to these daily haunts of trade and travel. A distinguished authority, in speaking of our roads, recommends that they be classed in three descriptions, viz: 1st, the principal and leading roads to be denominated State roads, in the construction of which, the State will bear one moiety of the expense, and the Counties through which they pass the other moiety; 2d, County roads to be made and kept up by the Counties, and 3d, private roads by the individuals benefitted by them. Without adopting this plan in all its details, I am thoroughly persuaded that no moderate amount of the public treasure could be more beneficially expended, than in employing an Engineer for one, or at most, two years, whose duty it should be to examine routes for the chief market and mail roads of the State, under the direction of the Board of Internal Improvement, and lay them off on the most favorable ground, with written estimates and directions for their construction and improvement. The County Courts might be authorized to make levies, in aid of the Statute labor within their limits, and at the most difficult points, assistance might be afforded from the fund for Internal Improvement. Whatever other improvements we may in time procure, good roads for ordinary transportation and travel can never cease to be useful to the great mass of the community.

Whether or not you shall esteem it wise to adopt any of these recommendations, I trust no consideration will induce a longer delay in directing an Agricultural, Geological and Mineralogical Survey of the State. Three-fourths of our sister States have now in progress, or have finished like examinations of their territory. And in every instance, it is believed that they have not only added to the treasures of Science, but have been attended with important and useful discoveries. Gold, Silver, Iron, Cop-

per, Coal, Plumbago, Marble and other Limestones, the finest varieties of Stone for building, of Marl and other materials for manuring, are already known to exist in various sections of the State; and a further exploration cannot fail to bring other resources to light, and greatly favor the pursuits of Mining and Manufacturing—pursuits of infinite advantage to a people having so few facilities of transportation as ourselves. While a minute examination of our soils, by persons uniting science and practical skill in Agriculture, will be productive of improvement in that useful branch of industry, and must dignify and elevate it in the general esteem.

Agreeably to the Act of the last Session, entitled "An act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same," a Board of Commissioners was constituted to make enquiry as to the solvency of the obligors, who were principals in the bonds held by the State for purchases of Cherokee lands. The said Board reported to me as the result of a long and laborious investigation, separate lists of those found solvent and insolvent accordingly. And those principal debtors, who were reported insolvent, having surrendered the lands, for the purchase of which said bonds were executed, into the possession of the agent of the State, and having severally executed and delivered to me deeds of surrender and release, disclaiming all right under such purchases, and to the re-imbursement of any monies paid on account thereof, by virtue of the power vested in me by said act, I made an order on the Public Treasurer, directing the bonds in all such cases, to be delivered up to the agent of the State, residing in Macon County, for cancellation. This order dated the 3d of April last, embraces a list of bonds amounting in the aggregate to the sum of $152,312 38. In consideration of which, the State became re-invested with title and possession of the lands surrendered as before stated. As a full year was to elapse between the time when the State's agent was put in possession of these lands, and the rise of the Legislature, it was considered best for the public interest, as well as for the persons surrendering, that they should be restored to possession of the lands as tenants of the State. The agent of Cherokee Lands was, therefore, instructed to lease the several tracts and their improvements for twelve months, taking care to give a preference to the late owners, and requiring only moderate amounts for the rent, but with a stipulation for returning the

premises in as good repair as they were in that time. This was attended to by the agent and the bonds for rent are in his hands.

It will be an important part of your present duties, to direct a further disposition of these lands, which have again become the property of the State. They were sold in 1836 and 1838, on credit (as to the greatest part of the purchase money) and at high prices. The purchasers being unable to pay off their bonds as they became due, petitioned the Legislature for relief.—Hence, the act of the last Session, allowing a re-scission of the bargain, by a surrender of the land and relinquishment of all claim to purchase money theretofore paid on the one side, and a cancellation of the bonds on the other, in all cases where it should be ascertained, that the purchaser could not discharge the debt himself without calling on his sureties as provided in said act.

After this experience on our part, as well as that of the Federal Government, in relation to its lands, many years ago, it does not seem to be wise policy, to order another sale on credit. Considering on the other hand, that the purchasers at the former sales were required to pay down in cash one-eighth part of the prices then bid—that they have since made payments into the Treasury of considerable amounts on their bonds—that they are settled on these lands and have associated with them the endearments of home, it seems hardly just to expose them at an auction sale, for cash. I therefore advise that, as to all the surrendered land, some mode be adopted, of affixing a fair valuation on each tract, by persons of competence and probity, and that the surrenderers be permitted to take them, on paying such valuation in cash by a given day thereafter; otherwise, that the land shall be sold at public sale.

It may not be remembered by you, that only such of these lands, as were estimated at and above twenty cents per acre in 1836, were surveyed and brought into market. The residue was directed "to remain subject to the disposition of a future Legislature, and shall not be liable to be entered in the Entry Taker's office, &c." Ten years have passed away, since the passage of that Act, and no further disposition has been directed of these lands, except that, the bounty in land for building Iron Works, has been extended to that country, and two tracts of three thousand acres each have been granted under that Law. No reason is perceived for longer delay in the sale of these unsurveyed lands, and it is therefore suggested, that they be either

sold at auction for cash, or subjected to entry and grant at some fixed rate per acre. The County of Cherokee now pays a land tax of but a few dollars, there being but a small quantity of patented land, exclusive of the Iron Works grants within it. The increase, therefore, of the revenue, the necessity of having freeholders for Jurors, and other services under the Government, the policy of fixing the population, and inducing them to improve the country, all unite in favor of placing those remaining lands in the possession of citizens, who shall be proprietors in fee, at a fair rate of purchase.

Such information, in respect to the Penitentiary system, as it was in my power to procure, was published in the Newspapers of the State, previous to the late election, in accordance with the Act on that subject, of the last Legislature. As the decision of the popular vote is understood to have been against the establishment of such an Institution here, it is deemed unnecessary to lay before you, the plans of buildings for such prisons, that have been obtained from other States.

The present requirement of Law, that the Autumn Terms of the Superior Courts in the lower section of the State, shall be held at a season, when sickness generally prevails in that region, is a grievance which has been long acknowledged, but hitherto no remedy has been provided. It is hoped, that your present session may number among other acts of public beneficence, a change so obviously just and needful. Not only are the lives, health, and comfort of the Judges, deeply concerned in the measure, but the suitors, witnesses, and jurors, being also subject to the diseases of the climate and season, the administration of justice is impeded and delayed, for want of this salutary alteration.

In conjunction with this, it is commended to your enquiry, whether all jurisdiction of Pleas in the County Courts may not be with advantage abolished, and those Courts be permitted to remain only for purposes of Probate and County Police, with a session of but a single day in each month. By substituting for the present system of County and Superior Courts, with six terms in the year, three terms only of the Superior Court held by Judges learned in the law, an arrangement would be introduced far less expensive to the public, and the parties in legal controversies; while greater despatch and correctness would be attained in the administration of the law. Such a change would

require some addition to the present number of Judges, to whom salaries must needs be paid, but this would be inconsiderable, compared to the payments now made to Jurors and Justices attending four Courts a year in the various Counties, to say nothing of the time spared to all concerned, and the less accumulation of costs on the losing parties from greater expedition in the termination of causes. If all Law suits could be ended in one, or at most, two years from their commencement, instead of being, as they often are, transmitted from father to son, loaded with costs far exceeding the value of the original subject of contest, it would be a reform of the greatest importance. The small number of causes on most of the dockets, makes the present a favorable period for the introduction of this system, which has been adopted and highly approved after trial, in other States of the Union.

By a resolution of the General Assembly in 1840, all persons holding the office of Justice of the Peace at the close of that Session, who had not been before supplied, were directed to be furnished with a copy of the 1st volume of the Revised Statutes. I regretted to learn, that by the occurrence of an extensive fire in the town of Fayetteville, in June 1845, eighty-one copies of that work, which had been sent there for sale as the property of the State, were consumed. And no others remaining at the disposal of the Executive, I have been unable to furnish copies to sundry applicants under the Resolution. As the only edition of this book that has ever been published, is now exhausted, and the County officers in several new Counties have not been supplied, besides the demand for Justices of the Peace, a new edition seems to be required. There having now been added to this code the enactments of ten more years, and defects having been discovered in the original, it is suggested that a Commissioner be appointed to arrange the addenda under the appropriate heads in the body of the work, or to re-cast the chapters to which amendments have been made; and propose to the next Legislature any correction of inaccuracies or defects, to the end that our Statute Law may be rendered as brief, simple and intelligible as possible.

The Commissioners of the Literary Fund will submit their report of operations for the last two years. It will be perceived that the amount of monies on loan to individuals, under the control of this Board, has been somewhat reduced, in consequence

of collections of principal which have been lent to the Public Treasurer as directed by the General Assembly. A School for the education of poor persons, who may be Deaf and Dumb, has been established by the Board in the City of Raleigh—the advantages of which are also open to pupils who may be able to pay at reasonable charges. Twenty State beneficiaries and two paying Scholars are now instructed in this institution. And it will doubtless be an agreeable part of your duty, to examine the progress made by these children of misfortune in their course of mental education, as well as in some of the useful arts. A like school for the Blind has been in contemplation by the Board, and was at one time resolved upon. But for want of information as to the number, residence and situation in life of this class of afflicted persons, the fewness of those offering themselves as pupils, and the difficulties encountered in employing a teacher, having all the qualifications needed to begin such an enterprize, and conduct it to a successful issue, have occasioned a postponement of that work of benevolence for the present.

For the support of Common Schools, there has been distributed from this fund for the year, ending September 1st, 1845, the sum of $97,852 44, and on the like day in 1846, the sum of $95,578 65. Official information has been received of the adoption of the Common School system by the popular vote at the late election in the Counties of Edgecomb and Rowan. Its advantages are therefore now to be extended to every County in the State. It would be gratifying to me to be able to announce to you, that these advantages were now commensurate with the munificence of the Legislature, in providing this fund, and the expectations of the public, in advancing education among the rising generation. It is apprehended however, that much less good is effected at present, from the actual operation of the School system, than ought to result from the amount of funds raised and distributed for its support. And yet, from the nature of the defect, it is difficult to apply a remedy. From all the Counties in the State, only thirty-eight Chairmen of the Boards of Superintendents for Common Schools, made any return to the Literary Board, of the operation of the system in their Counties for the year 1845, and a still smaller number in 1846, although the time appointed by Law has expired. This is probably imputable not so much to their delinquency, as to the failure of the School Committees in the districts, to furnish the reports required of them.

Indeed, as might be expected, in a matter depending for success, quite as much on administration, as Legislative direction—a matter new to our population and our authorities, there are at present too little intelligence, uniformity, and efficiency, in the execution of the School Law. It appears to me, therefore, of the first moment, that a Commissioner of Common Schools should be appointed, charged with the superintendence of the system throughout the State, and devoting his whole time and attention in imparting to it vigor and usefulness. The subject is of sufficient weight, especially in the infantile stage of these institutions, to engage the best talents and most exalted patriotism of the country.

In many of the Governments of Europe, the Minister of Public Instruction ranks with those of War, Finance and Diplomacy, their equal in dignity, perhaps more than their equal in usefulness. In those States of our Union, in which Education has most extensively prevailed, and in which, from the maturity of the system, there would seem to be the least occasion for such a supervision, it seems to be a settled point of policy, to keep in superintendence over their Common Schools, some citizen of tried ability and zeal in that department, whose time and energies are devoted to the observance and study of the system, visiting the Schools in various sections, and so counselling and directing the whole, as to produce the greatest amount of benefit. Our experience, thus far, of the opposite course, urges the necessity of following their example. The Literary Fund affords the means of reasonable compensation for such service, with but a slight abatement from the amounts annually distributed.

Applications have been made to the Board, to purchase some portions of the Swamp Lands drained by the State, and pertaining to the School Fund. But their Agent, who has instructions in respect to terms, has reported no sale actually made. It is in contemplation to visit these lands in the course of the next year, and if the drainage has proved as effectual as has been expected, to dispose of some tracts at public sale, if not otherwise, in order to promote settlement and culture thereon.

In the month of May last, I received from the War Department a requisition of the President of the United States for one Regiment of Volunteer Infantry, to be enrolled and held in readiness to aid in the prosecution of the existing war with the Republic of Mexico. A general order was immediately issued, calling

for Volunteers by Companies, and with a most commendable promptitude, more than three times the number required, tendered their service. From these, ten Companies were drawn by lot, to form the Regiment. In the absence of any law of the State, relative to raising and organizing such a force, the duty seemed to devolve on the Governor, under the Constitution, as the Executive and Commander-in-Chief of the Militia, to determine who should be accepted among those volunteering for service, and in what grades. The Proclamation for Volunteers, however, announced that this determination would be made by lot in accepting the Companies; and that the Company Officers would be commissioned, whom the men thereof might elect—leaving the Field Officers only to be accepted and appointed by the Executive. This construction of duty and power in defect of any statutory regulation, was adopted after mature consideration, and enquiring into the precedents during the last War with Great Britain. It has been acted upon by the Governors of other States, having no provision of law in such case, and seems to accord with the views of the War Department, and President of the United States. It is, however, wisest to regulate such levies of Troops by Legislative enactments; and, therefore, it is brought to your attention. Whether you shall decide to direct the election of Field Officers by all the Volunteers, Privates as well as Officers, (as is the case in some States,) or by the Commissioned Officers only, in conformity to our Militia regulation for ordinary training; or permit it to the Executive, as at present existing, is submitted for your wisdom to determine.

The defectiveness of our Militia Code is too obvious to require remark, to such of you as have any conversancy with it, in practice. A thorough revision and emendation of it, is needed to render this arm of our defence effective. I point your attention, particularly, to the want of any provision for contesting elections to Military appointments of any grade, whatever, complaints of irregularities in such elections, having been lodged in this Department, on more than one occasion, within the last twelve months. It is also suggested, that a requirement on the Officers of Regiments or Brigades to meet together, and encamp for a few days in each year, during which, they should undergo constant drilling, and become familiarized to Camp and Garrison duties, (their expenses only being defrayed by the State,) would be productive of the best effects.

The permission of the use of the Public Arms to the Militia, should be regulated by law; and more effective provision should be made for the return of the Arms on the dissolution of the Corps to whom they were issued.

In the month of July last, I received from the President of the Senate of the United States, the resignation of the Honorable William H. Haywood, Jr. one of the members of that body from this State. A day having then been fixed for the adjournment of Congress, and near at hand, I did not exercise the Constitutional power of the Executive, to appoint a successor. The term, for which the Hoonrable Willie P. Mangum, the other Senator from North Carolina, was elected, will expire on the 4th of March next. It will devolve on you, therefore, to fill both vacancies.

It is, also, well worthy of your consideration, whether the existing arrangement of Districts for the election of Members to the House of Representatives, is accommodated to the public convenience, in uniting those of contiguous Territory and similarity of interests, or accords with the fundamental principle of a Republic, that *a majority* of the People should be allowed to elect their own Representatives.

Since the last adjournment of the Legislature, such changes have been wrought in our National Affairs, as to require a brief observation. The United States have become engaged in War with a neighboring Republic, weaker and inferior in all the elements of National greatness, but still not a contemptible foe. While we fervently unite in the desire, that our Country, in her intercourse with foreign nations, "may be always in the right," and readily render our loyalty and duty to make her always successful, "right or wrong," it is alien to the character of Freemen, to forbear enquiry into the necessity which demands a resort to the last alternative of Nations, or into the conduct of the agents by whom it has been produced. By an essential provision of our Constitution, all questions of War are, in the first instance to be subjected to the will of the Nation itself, which is to pay its costs and feel its calamities. That Mexico had relinquished her right to take umbrage at the annexation of Texas, by her conditional recognition of the Independence of that Republic, and the diplomatic intrigues connected therewith; that the characteristic obstinancy of their race, and the exasperation of feeling from the loss of so valuable a Territory, might have ultimately

led to a War, may be admitted. Our Congress, however, carefully endeavored to remove all cause of hostility on such account, by acknowledging a disputed boundary between Texas and Mexico, in the very act of Annexation, and giving assurance of liberal terms in its adjustment. In this posture of affairs, without consultation with Congress, though in Session, by authority of the Executive, as Military Commander merely, our Army was made to take possession of the whole Territory in question. Resistance was attempted—hostilities ensued, and we are thus involved in war on a point of honor—the Constitutional Department of our own Government, never having authorized an appeal to force for the Country in dispute, nor defined any objects, for the attainment of which, it should be waged. While our arms are signalized by victories worthy of the Nation's renown, and the spirit of the people is ready to uphold the honor of our flag at any sacrifice, it still remains a momentous question, under our Institutions, whether Congress can be superseded in the power to make War, and the authority given to the Executive, only to effectuate the will of the Legislature, can be used to determine and settle the policy of the Country, in matters of boundary, or any other.

But, with the War actually existing, and demanding a vast increase in the Public expenditure, the income of the Government is put to hazard, by experiments upon the Revenue, Finances, and Currency. The public sentiment has long since decided, that the Federal Government shall be maintained, in time of peace at least, by duties on Foreign Imports. It may be assumed to have been equally well settled in the practice of the nation, that in making such levies, discriminations might be allowed, in the selection of subjects of Revenue, and in the amounts imposed, to give encouragement to the productions of our own industry. It is now declared, that this practice has always been a mischievous error; and, in the midst of the exigencies of the Treasury, a Tariff of duties, yielding $27,000,000 per year, has been abandoned in favor of a theoretical system, not expected to produce more, if as much, to the end that *protection* may be no longer recognized, in raising Revenue. We are, therefore, probably destined to witness a loss in the Revenue, brought about by a change aiming at Revenue only. With appropriations exceeding Fifty Millions of Dollars per annum, and an income, less than Thirty Millions, a resort to higher duties, or Direct

Taxation, must soon be inevitable. These additional burthens are not likely to be meliorated, but will be felt with the more severity, from another solemn Act of Congress at the last session, ordinarily called the Sub Treasury Law. By this, it is required, that from, and after the 1st day of January next, whatever amount of exaction may be made upon the people by the Government, shall be paid in Gold and Silver Coin only, or in Treasury Notes of the United States. If this law is to be evaded by the Officers, charged with its execution, (as was said to have been the case in its former partial operation,) its passage was but trifling with the public intelligence. If it is to be executed in the rigor of its conception, it will needlessly and mischievously add to the necessary burthens of the Government. With a prospect before us of increased levies, to be paid only in the precious metals, except when Treasury Notes, the evidence of the Government's indebtedness, can be procured in their stead, we cannot but welcome any demonstration of public opinion, which promises a change of counsels.

In a separate communication, the progress which has been made in completing the Letter Books of the early Governors, and collecting Documents pertaining to our Revolutionary History, under the Resolution of the last Session, will be detailed with further suggestions thereon.

It is needless to do more than mention the urgent necessity of providing a suitable enclosure around the grounds of the Capitol.

Having been legally notified of the deaths of Messrs. Robert Melvin and Thomas L. Hutchinson, Senators elect to the present Legislature, and of the resignations of Messrs. Haynes Richardson and James K. Lea, Members elect to the House of Commons, from the Counties of Anson and Caswell, I have issued Writs of Election to fill the several vacancies.

The resignation of Justices of the Peace, received at this Office in the past two years, will be found in the accompanying file, marked A.

I also transmit herewith, the Proceedings of sundry State Legislatures, upon various subjects, which I have been requested to lay before the General Assembly.

My Letter Book will be submitted to your inspection by my Private Secretary, whenever required.

In conclusion, I commend to your calm review, every interest

of the people of North Carolina, beseeching you to bear in mind, that however anxious may be your desire to conclude your labors as early as practicable, any measure of benefit to your constituents, now overlooked or passed by, must be postponed two years later in the day and generation to which we belong.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,
November 17th, 1846.

RULES OF ORDER

FOR THE

GOVERNMENT OF THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA;

TO WHICH ARE PREFIXED,

THE CONSTITUTIONS

OF

THE UNITED STATES AND OF NORTH CAROLINA.

RALEIGH:
WESTON R. GALES, PRINTER TO THE LEGISLATURE.

1846.

CONSTITUTIONAL LAW.

CHRONOLOGICAL TABLE.

Magna Charta of King John,	15 June, 1215.
Petition of Rights.	2 June, 1628.
First Charter of Carolina,	24 March, 1663.
Second Charter of Carolina,	17 June, 1665.
Fundamental Constitution of Carolina, (by Locke,)	1 March, 1669.
The Habeas Corpus Act, (31 Ch. II. ch. 2.)	2 May, 1679.
Bill of Rights, (1 William & Mary, sess. 2, ch. 2.)	1689.
Act for the surrender of the Proprietary Title to Carolina, (2 Geo. II. ch. 34.)	1729.
Grant to Lord Carteret, afterwards Earl Granville,	17 Sept. 1744.
Declaration of Independence,	4 July, 1776.
Constitution of the State of North Carolina,	18 Dec 1776.
Articles of Confederation,	8 July, 1778.
Treaty of Peace,	3 Sept. 1783.
Constitution of the United States,	17 Sept. 1787.
Amended Constitution of North Carolina,	1 Jan. 1836.

TABLE

Of parallel principles in the (English) BILL OF RIGHTS, the (North Carolina) DECLARATION OF RIGHTS, and the ten *original* amendments to the CONSTITUTION OF THE UNITED STATES.

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CONSTITUTION

OF THE

UNITED STATES.

We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations

one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year. And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed, by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, to be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other useful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and the majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligi-

ble to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

In case of removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he may think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different

States;—and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or

regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State, to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and Deputy from Virginia.

New Hampshire.
John Langdon,
Nicholas Gilman.

Massachusetts.
Nathaniel Gorham,
Rufus King.

Connecticut.
William Samuel Johnson,
Roger Sherman.

New York.
Alexander Hamilton.

New Jersey.
William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

Virginia.
John Blair,
James Madison, jun.

North Carolina.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Delaware.
George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.
James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carrol.

South Carolina.
John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.
William Few,
Abraham Baldwin.

Attest: WILLIAM JACKSON,

Secretary.

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall

name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

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E

Elections, of Senators and Representatives, shall be prescribed by the State Legislatures, as to time, place, and manner,	1	4
qualifications and returns of members of Congress, to be determined by each House,	1	5
Electors of President and Vice President, how chosen, and their duties,	2	1
and 12th Amendment.		
shall vote the same day throughout the United States,	2	1
no Senator or Representative holding office under the United States shall serve as,	2	1
Enumeration—See Census,	1	2
Executive Power shall be vested in a President,	2	1
See *President*.		
Exports—See *Tax*.		
and imports, duties on by States, to be payable into the Treasury of the United States,	1	10
Ex post facto Law, none shall be passed,	1	9

H

Habeas Corpus, writ of, can only be suspended in cases of rebellion or invasion,	1	9
House of Representatives—See *Representatives*,		
House—See *Senate*.		

I

Impeachment, all civil officers liable to,	2	4
persons found guilty by, liable to indictment and punishment for the offence,	1	3
Importation of Slaves, until prohibited, a duty authorized on after 1808,	1	9

J

Judges, shall hold their offices during good behavior,	3	1
the compensations of, shall not be diminished during continuance in office,	3	1
Judicial Power, vested in a Supreme Court, and Courts inferior,	3	1
the cases to which it extends,	3	2
Judicial Proceedings, records and acts of each State, are entitled to faith and credit in every other State,	4	1
Jury Trial shall be held in the State where the crime shall have been committed,	3	2
if the crime have not been committed within a State, the trial shall be held at the place Congress shall have directed,	3	2

	ART.	SEC.
Jury, trial by, *secured*, in prosecutions for all *crimes*, except in cases of impeachment,	3	2
and in suits at Common Law, where the value in controversy shall exceed twenty dollars, 7th Amendment.		

L

Law, Supreme, the Constitution, the Laws under it, and Treaties declared to be,	6	1
Legislative Power, vested in Congress.—See *Congress*.	1	1

M

Money shall be drawn from the Treasury, only by laws appropriating,	1	9

N

Nobility, titles of, shall not be granted by the United States,	1	9

O

Officers of the Senate, except their President, shall be chosen by the Senate,	1	3
civil, may be removed by impeachment,	2	4
Order of one House, requiring the concurrence of the other—See *Resolution*,	1	7

P

Persons held to labor or service, their importation or migration into the United States may be prohibited after 1808,	1	9
escaping from one State to another, shall be delivered up to those entitled to service,	4	2
Powers, not delegated, are reserved to the people, or, when not prohibited, to the States, 10th Amendment.		
Legislative—See *Congress*,	1	1
Executive—See *President*,	2	1
Judicial—See *Judicial*,	3	1
Presents, emoluments, office, or title, from a foreign king, prince, or State, to persons holding offices of profit or trust prohibited,	1	9
President of the U. S. vested with the executive power,	2	1
shall be chosen for four years,	2	1
how elected,	2	1
qualifications for,	2	1
compensation of,	2	1
shall take an oath of office,	2	1
may be removed by impeachment,	2	4
President of the United States, powers of--		
shall be Commander in Chief of the Army and Navy,	2	2
may require the written opinions of the Heads of Departments,	2	2
may reprieve and pardon,	2	2
may make treaties with consent of the Senate,	2	2
may appoint to office with the consent of the Senate,	2	2
shall fill up vacancies happening during the recess of the Senate,	2	2

	ART.	SEC.
President of the United States, duties of--		
shall give information to Congress, and recommend measures,	2	3
may convene both Houses, or either House,	2	3
may adjourn them in case of disagreement,	2	3
shall receive ambassadors and public ministers,	2	3
shall take care that the laws be faithfully executed,	2	3
shall commission all officers of the United States,	2	3
in case of death, &c. shall devolve on the Vice President, and on such other officer as may be provided by law,	2	1
Privileges and immunities of citizens of the States.—See *Citizens*.		
Property shall not be taken for public use, without just compensation; 5th Amendment.		

Q

Quorum, what shall be a, for business,	1	5
of States, in choosing a President by the House of Representatives,	2	1

R

Receipts and expenditures, accounts of, to be published,	1	9
Records.—See *Judicial Proceedings*,	4	1
Representatives, House of, composed of members chosen every second year,	1	2
qualifications of the electors of its members,	1	2
qualifications of members,	1	2
shall not exceed one for 30,000,	1	2
shall chose their Speaker and other officers,	1	2
shall have the power of impeachment,	1	2
shall be the judge of the returns, elections, and qualifications of its members,	1	5
what shall be a quorum of,	1	5
any number may adjourn, and compel the attendance of absentees,	1	5
may determine the rules of proceeding,	1	5
may punish or expel a member,	1	5
shall keep a journal, and publish the same, except the parts requiring secrecy,	1	5
shall not adjourn for more than three days, nor to any other place, without the consent of the Senate,	1	5
one-fifth of present may require the yeas and nays,	1	5
shall originate bills for raising revenue,	1	7
shall receive a compensation, to be ascertained by law,	1	6
privileged from arrest during attendance, and in going and returning, except in certain cases,	1	6
shall not be questioned elsewhere for any speech or debate in the House,	1	6
shall not be appointed to the offices created, or whose compensations shall have been increased, during the time for which they are elected.	1	6

	ART.	SEC.
Representatives can, whilst serving, hold no office under the United States,	1	6
shall not serve as primary electors of President,	2	1
and direct taxes apportioned according to numbers,	1	2
Representation of a State, vacancies in, supplied until a new election by the Executive authority thereof,	1	2
Resolution, order, or vote, requiring the concurrence of both Houses, [except for an adjournment,] shall be presented to the President, and undergo the formalities of bills,	1	7
Revenue—See *Vessels.*		
Rights of the Citizen declared to be—	Amend.	
liberty of conscience in matters of religion. Amendment,	1	
freedom of speech and of the press,	1	
to assemble and petition,	1	
to keep and bear arms,	2	
to be exempt from the quartering of soldiers, in any house, in time of peace, without the consent of the owner; and in time of war, unless prescribed by law,	3	
to be secure from any unreasonable searches and seizures,	4	
to be free, except in the army, navy, and militia, from answering for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury,	5	
not to be twice jeopardized for the same offence,	5	
not to be compelled, in criminal cases, to be a witness against himself,	5	
not to be deprived of life, liberty, or property, without due course of law,	5	
private property shall not be taken for public use without just compensation,	5	
that the accused, in criminal prosecutions, shall enjoy the right of a speedy public trial by an impartial jury of the vicinage; and the means necessary for his defence,	6	
that, in civil cases, facts tried by a jury shall only be re examined according to the rules of the common law,	7	
that, in suits at common law, where the value shall exceed twenty dollars, the right of trial by jury shall be preserved,	7	
that excessive bail shall not be required, excessive fines imposed, nor cruel or unusual punishments inflicted,	8	
that the enumeration of certain rights shall not operate constructively against the retained rights,	9	
	Art.	Sec.
Rules, each House shall determine its own,	1	5

S

Senate of the United States, composed of two Senators from each State,	1	3
how chosen, classed, and terms of service,	1	3
qualifications of members, 30 years of age, 9 years a citizen, and an inhabitant of the State,	1	3
shall choose their officers, except the President,	1	3
Senate of the United States shall be the judge of the elections, returns, and qualifications of its members,	1	5

	ART.	SEC.
what number shall be a quorum,	1	5
any number may adjourn, and compel attendance of absentees,	1	5
may determine its rules,	1	5
may punish or expel a member,	1	5
shall keep a journal, and publish the same, except parts requiring secrecy,	1	5
shall not adjourn for more than three days, nor to any other place, without the consent of the other House,	1	5
one-fifth of present may require the yeas and nays,	1	5
may propose amendments to bills for raising revenue,	1	7
shall try impeachments,	1	3
their judgments only to extend to removal from office, and to disqualify for any other,	1	3
members of, shall receive a compensation to be ascertained by law,	1	6
privileged from arrest,	1	6
shall not be questioned elsewhere for any speech or debate in the House,	1	6
shall not be appointed to offices of the United States, created, or whose emoluments shall have been increased during the terms for which they were elected,	1	6
Senators and Representatives, elections of, how prescribed,	1	4
Senator shall not be an Elector of President,	2	1
Slaves—See *Persons* held to service.		
Speaker, how chosen,	1	2
States, prohibited from		
entering into any treaty, alliance, or confederation,	1	10
granting letters of marque,	1	10
coining money,	1	10
emitting bills of credit,	1	10
making any thing a tender but gold and silver coin,	1	10
passing bills of attainder, ex post facto laws, or laws impairing contracts,	1	10
granting titles of nobility,	1	10
laying impost, or duties on imports and exports for their own use,	1	10
laying duties on tonnage without the consent of Congress,	1	10
keeping troops or ships of war, in time of peace,	1	10
entering into any agreement or contract with another State, or a foreign power,	1	10
engaging in war, unless invaded or in imminent danger,	1	10
States, new, may be admitted into the Union,	4	3
States may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of Congress and the Legislatures concerned,	4	3
States, Judges of, bound to consider treaties, the constitution, and the laws under it, as supreme,	6	1
States, majority of *all*, necessary to the choice of President,	2	1
State, each, to be guarantied a republican form of government; protected against invasion; and secured, upon application, against domestic violence,	4	4
Supreme Court—See *Court*.		

T

	ART.	SEC.
Tax, capitation or direct, shall be laid only in proportion to census,	1	9
Tax, on exports from a State, prohibited,	1	9
Taxes, direct, shall be apportioned according to representation,	1	2
Territory, or property belonging to United States, Congress may make rules concerning,	4	3
Test, religious, shall not be required,	7	
Titles—See *Nobility*,	1	9
Title, from foreign State—See *Present*,	1	9
Treason, defined,	3	3
two witnesses, or confession, necessary for conviction,	3	3
punishment of, may be prescribed by Congress, with one limitation,	3	3
or other crime, persons charged with in one State, fleeing into another, shall, on demand, be delivered up,	4	2
Treasury, money drawn from only by appropriations,	1	9
Treaties, the supreme law,	6	1

V

Vacancies happening during the recess of the Senate, may be filled temporarily by the President,	2	2
in representation in Congress, how filled,	1	2
Vessels to enter, clear, and pay duties in the *States*, in which they arrive, or from which they dapart,	1	9
Vice President of the United States to be President of the Senate, except when exercising the office of President of the United States,	1	3
how elected,	2	1
and 12th amendment.		
qualifications for, 12th amendment.		
shall, in certain cases, discharge the duties of President,	2	1
may be removed by impeachment,	2	4
Vote of one House, requiring concurrence of the other,	1	7
See *Resolution*.		

W

Warrants for searches and seizures, when and how they shall issue, 4th amendment.

Witness, in criminal cases, no one compelled to be against himself, 5th amendment.

THE DECLARATION OF RIGHTS.

At a Congress of the Representatives of the Freemen of the State of North Carolina, assembled at Halifax, the seventeenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, for the purpose of establishing a Constitution, or Form of Government, for the said State;

A DECLARATION of Rights made by the Representatives of the Freemen of the State of North Carolina.

SECTION I.

That all political power is vested in and derived from the people only.

SECTION II.

That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

SECTION III.

That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

SECTION IV.

That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

SECTION V.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

SECTION VI.

That elections of Members to serve as Representatives in General Assembly, ought to be free.

SECTION VII.

That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

SECTION VIII.

That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

SECTION IX.

That no freeman shall be convicted of any crime, but by the unanimous verdict of a Jury, of good and lawful men, in open court, as heretofore used.

SECTION X.

That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION XI.

That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SECTION XII.

That no freemn ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

SECTION XIII.

That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

SECTION XIV.

That in all controversies at law, respecting property, the ancient

mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

SECTION XV.

That the freedom of the Press is one of the greatest bulwarks of liberty, and therefore ought never to be restrained.

SECTION XVI.

That the people of this State ought not to be taxed or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly freely given.

SECTION XVII.

That the people have a right to bear arms for the defence of the State, and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

SECTION XVIII.

That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for redress of grievances.

SECTION XIX.

That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

SECTION XX.

That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

SECTION XXI.

That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SECTION XXII.

That no hereditary emoluments, privileges, or honors, ought to be ed or conferred in this State.

SECTION XXIII.

That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SECTION XXIV.

That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

SECTION XXV.

The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeably to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the Southern boundary of this State, as follows: *that is to say*, beginning on the sea side, at a cedar stake, at or near the mouth of Little River, being the Southern extremity of Brunswick county, and running from thence, a north west course through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees North latitude; and from thence a west course, so far as is mentioned in the charter of King Charles the Second, to the late proprietors of Carolina. Therefore, all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described and the Southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes North latitude, and from thence runs west, agreeably to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty, any partial line, without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any wise, notwithstanding. *Provided always*, That this declaration of right shall not prejudge any nation or nations of Indians from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future Legislature of this State. *And provided also*, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State,

by consent of the Legislature. *And provided further*, That nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming, under the laws heretofore in force, or grants heretofore made by the late King George the Third, or his predecessors, or the late Lords Proprietors, or any of them.

December the 17*th day*, A. D. 1776; *read the third time, and ratified in open Congress.*

R. CASWELL, *President.*

JAMES GREEN, JR., *Secretary.*

THE CONSTITUTION OF NORTH CAROLINA.

THE Constitution or form of Government, agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy-six.

WHEREAS, allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn. And whereas, George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British Crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said act. And the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery. In consequence whereof, all government under the said King, within the said colonies, hath ceased, and a total dissolution of government in many of them hath taken place. And whereas, the Continental Congress having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British Crown, or any other foreign jurisdiction whatsoever, and that the said colonies now are, and forever shall be, free and independent States. Wherefore, in our present State, in order to prevent anarchy and confusion, it becomes necessary that a government should be established in the State: Therefore, We, the Representatives of the Freemen of North Carolina, chosen and assembled in Congress for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare that a Government for this State shall be established in manner and form following, to wit:

SECTION I.

That the Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Commons.

SECTION II.

That the Senate shall be composed of Representatives [annually*] chosen by ballot, one from each [county] in this State.

SECTION III.

That the House of Commons shall be composed of Representatives [annually] chosen by ballot, [two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.]

SECTION IV.

That the Senate and House of Commons assembled for the purpose of Legislation, shall be denominated the General Assembly.

SECTION V.

That each member of the Senate shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the [county] which he represents, not less than three hundred acres of land in fee.

SECTION VI.

That each member of the House of Commons shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the [county] which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

SECTION VII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any one [county] within the State twelve months immediately preceding the day of any election, and possessed of a free-

* Those parts in which material amendments have been made, are printed in brackets. []

hold within the same county of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

SECTION VIII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any [county] within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides.

SECTION IX.

[That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons. *Provided always,* That this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.]

SECTION X.

That the Senate and House of Commons, when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournments from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for supplying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.

SECTION XI.

That all bills shall be read three times in each House before they pass into laws, and be signed by the Speakers of both Houses.

SECTION XII.

That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office,

shall take an oath to the State; and all officers shall also take an oath of office.

SECTION XIII.

That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and [Attorney General,] who shall be commissioned by the Governor, and hold their offices during good behavior.

SECTION XIV.

[That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the Militia, and all officers of the Regular Army of this State.]

SECTION XV.

[That the Senate and House of Commons jointly, at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years.] That no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as Governor.

SECTION XVI.

That the Senate and House of Commons jointly, at their first meeting after each [annual] election, shall by ballot elect seven persons to be a Council of State for [one year,] who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent; and such Journal shall be laid before the General Assembly when called for by them.

SECTION XVII.

That there shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

SECTION XVIII.

That the Governor for the time being shall be Captain General and Commander in Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the Militia for the public safety.

SECTION XIX.

That the Governor for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly, for the contingencies of Government, and be accountable to them for the same; he also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of Government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State; and on his death, inability or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, [or until a new nomination is made by the General Assembly.]

SECTION XX.

That in every case where any officer, the right of whose appointment is, by this Constitution, vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

SECTION XXI.

That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney General, shall have adequate salaries during their continuance in office.

SECTION XXII.

That the General Assembly shall, by joint ballot of both Houses, [annually] appoint a Treasurer or Treasurers for this State.

SECTION XXIII.

That the Governor and other officers offending against the State, by violating any part of this Constitution, mal-administration, or corruption, may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any Court of Supreme Jurisdiction in this State.

SECTION XXIV.

That the General Assembly shall, by joint ballot of both Houses, [triennially] appoint a Secretary for this State.

SECTION XXV.

That no persons, who heretofore have been, or hereafter may be, receivers of the public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the Treasury, all sums for which they may be accountable and liable.

SECTION XXVI.

That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all monies which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

SECTION XXVII.

That no officer in the Regular Army or Navy, in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such Army or Navy with clothing or provisions, shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to, and accepting of such office, shall thereby vacate his seat.

SECTION XXVIII.

That no member of the Council of State shall have a seat either in the Senate or House of Commons.

SECTION XXIX.

That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

SECTION XXX.

That no Secretary of this State, Attorney General, or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

SECTION XXXI.

That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

SECTION XXXII.

That no person who shall deny the being of God, or the truth of the [Protestant] Religion, or the divine authority either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit in the Civil department within this State.

SECTION XXXIII.

That the Justices of the Peace, within the respective counties in this State, shall in future be recommended to the Governor for the time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly. And the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

SECTION XXXIV.

That there shall be no establishment of any one Religious Church

or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

SECTION XXXV.

That no person in the State shall hold more than one lucrative office at any one time. *Provided*, that no appointment in the Militia, or to the office of a Justice of the Peace, shall be considered as a lucrative office.

SECTION XXXVI.

That all Commissions and Grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerks of the respective Courts. Indictments shall conclude, against the peace and dignity of the State.

SECTION XXXVII.

That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded in the mean time, in the same manner: and no person shall be elected to serve in that capacity for more than three years successively.

SECTION XXXVIII.

That there shall be a Sheriff, Coroner or Coroners, and Constables, in each county within the State.

SECTION XXXIX.

That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All

prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SECTION XL.

That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land, or other real estate; and, after one year's residence, shall be deemed a free citizen.

SECTION XLI.

That a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.

SECTION XLII.

That no purchase of land shall be made of the Indian natives but on behalf of the public, by authority of the General Assembly.

SECTION XLIII.

That the future Legislature of this State shall regulate entails in such a manner as to prevent perpetuities.

SECTION XLIV.

That the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

SECTION XLV.

That any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the Journals.

SECTION XLVI.

That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present, and that upon a motion made and seconded, the

Yeas and Nays upon any question shall be taken, and entered on the Journals; and that the Journals of the proceedings of both Houses of the General Assembly shall be printed and made public, immediately after their adjournment.

SECTION XLVII.

This constitution is not intended to preclude the present Congress from making a temporary provision for the well ordering of this State, until the General Assembly shall establish Government agreeable to the mode herein before prescribed.

December the 18th, 1776, read the third time and ratified in open Congress.

R. CASWELL, *President.*

JAMES GREEN, JR., *Secretary.*

AMENDMENTS.

WHEREAS, the General Assembly of North Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "An Act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct, that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by Proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of the said amendments: And whereas, a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendments proposed; and the Governor did, by proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid, was accordingly had: Now, therefore, we, the delegates of the good people of North Carolina, having assembled in Convention, at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION I.

The Senate of this State shall consist of fifty Representatives, bi-

ennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial District. And when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

The apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each

county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION II.

Until the first session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts herein after named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecomb; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake, shall elect three members each. The counties of

Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne, and Wilkes, shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrell, Washington, and Yancy, shall elect one member each.

SECTION III.

Each member of the Senate shall have usually resided in the district for which he is chosen, for one year immediately preceding his election, and for the same time shall have possessed and continue to possess, in the district which he represents, not less than three hundred acres of land in fee.

All freemen of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State, twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors, to the fourth generation, inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

SECTION IV.

In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

The General Assembly shall have power to pass general laws, regulating divorce and alimony, but shall not have power to grant a divorce, or secure alimony, in any individual case.

The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship, any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

The General Assembly shall not pass any private law, unless it

shall be made to appear, that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer, and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and place as members of the General Assembly are elected.

He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

The returns of every election for Governor, shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

Contested elections for Governor, shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

The Governor elect shall enter on the duties of the office, on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

ARTICLE III.

SECTION I.

The Governor, Judges of the Supreme Court, and Judges of the

Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence.

SECTION II.

Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION III.

Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION IV.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during

which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.

ARTICLE IV.

SECTION I.

No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly, shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times, on three several days, in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION II.

The thirty-second section of the Constitution shall be amended to read as follows:—No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

SECTION III.

Capitation tax shall be equal throughout the State upon all individuals subject to the same.

All free males over the age of twenty-one years, and under the

age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to Capitation tax, and no other person shall be subject to such tax ; provided, that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION IV.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly : *Provided*, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace.

Ratified in Convention, this eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-five.

NATHANIEL MACON, *President.*

EDMUND B. FREEMAN, *Secretary of the Convention.*

JOSEPH D. WARD, *Assistant Secretary.*

GOVERNOR'S CERTIFICATE.

I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby certify, that the within Amendments to the Constitution, proposed by a Convention held in the City of Raleigh, on the 4th day of June last, were submitted for ratification or rejection to the good people of the State, according to an Ordinance of the said Convention; that the returns of all the votes given were made to me, and by me duly opened, in the presence of the Secretary of State and Public Treasurer, and that a majority of the votes so given and returned was in favor of ratification: And I do therefore certify, declare, and make known, that the within Amendments have been ratified by the good people of the State, have become part of the Constitution, and, as such, will have full force, effect and operation, from and after the first day of January next.

IN WITNESS WHEREOF, I have signed this certificate, and have caused the Secretary of State to countersign the same, and to affix the GREAT SEAL of the State hereunto.

Done at Raleigh, this fourth day of December, A. D. eighteen hundred and thirty-five.

D. L. SWAIN.

By the Governor,

WM. HILL, *Secretary of State.*

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RULES OF ORDER

FOR THE

GOVERNMENT OF THE SENATE.

1. When the Speaker takes the Chair, each member shall take his seat; and, on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order to-wit: 1st, the receiving Petitions, Memorials, Pension Certificates, and papers addressed either to the General Assembly or to the Senate; 2d, the Reports of Standing Committees; 3d, the Reports of Select Committees; 4th. Resolutions; 5th, Bills; 6th, Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other papers on the table. Then the Orders of the Day; but motions and messages to elect Officers, shall always be in order.

3. When any Member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any Member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. All Bills and Resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

5. If any Member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any Member may call him to order; in which case, the Member so called to order, shall immediately sit down, unless permitted to explain; and the

House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and decided without debate.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee; and the row of pillars shall be the bar of the Senate.

8. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote, and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally

be made by the introducer, and the Petition, Memorial, or other paper, shall not be read, unless so ordered by the House.

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for a re-consideration thereof on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate; and no bill or resolution of a public nature, shall be sent from the Senate until twelve o'clock the succeeding day.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all Committees, except when otherwise ordered; and the Select Committees of this House shall consist of five members.

17. There shall be appointed by the Speaker, the following Committees, viz: a Committee of Propositions and Grievances; a Committee of Privileges and Elections; a Committee of Claims; a Committee on the Judiciary; a Committee on Internal Improvement; and a Committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair, and appoint a Chairman; and when, upon any other occasion, the Speaker wishes to leave the Chair, he shall appoint a Speaker *pro tem.*

19. When any petition, memorial, or other paper addressed to the House, shall have been referred either to one of the standing or Select Committees, they shall, in their report on the petition,

memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker, or Chairman of the Committee of the Whole House shall have power to have the same cleared.

21. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State, resident at the seat of Government, Members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

ANDREW JOYNER,
Speaker of the Senate.

By Order,
HENRY W. MILLER, *Clerk.*

RULES AND ORDER

OF CONDUCTING BUSINESS

IN THE

HOUSE OF COMMONS.

Touching the Duty of the Speaker.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the Members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other Members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any Member; on which appeal no Member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two Members, one from each side of the question, to tell the Members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker, or some Member of the House; and the range of pillars in front of the Speaker's Chair shall be considered the bar of the House.

12. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

Order of Business of the Day.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the Orders of the Day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case, appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

Of Decorum and Debate.

14. When any Member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

15. When the Speaker shall call a Member to order, he shall sit down; as also he shall when called to order by another Member, unless the Speaker decide the point of order in his favor. By leave of the House, the Member called to order may clear a matter of fact or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any Member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the Member called to order, he may proceed. If otherwise, he shall not, except by leave of the House; and if the case, in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or walk out or across the House; nor, when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made, and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair; and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment, except in case of a motion to re-consider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No Bill, Petition, Memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate, until the time for re-consideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the Members shall be taken alphabetically.

33. No Member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty Members, including the Speaker, shall be authorized to compel the attendance of absent Members.

35. No Member or Officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any Member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of two Standing Committees.

37. If any Member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted, upon motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

39. The Members of this House shall uncover their heads upon entering the Hall whilst the House is in Session, and shall continue so uncovered during their continuance in the Hall.

COMMITTEES.

40. Six Standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims; a Committee on Propositions and Grievances; a Committee on Education; a Committee on Agriculture; a Committee on Internal Improvement; and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members, one from each Electoral district, to be appointed by the members from the counties composing said district. In addition to the above Standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

41. A Select Standing Committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the Committee on the Judiciary."

42. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee, to cause the members of the Committee to convene when necessary, and when so convened, they shall appoint some one of their number chairman.

43. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

44. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

45. All questions, whether in Committee, or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

46. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

47. In a committee of the whole House, a motion that the committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

48. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee.

49. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?' If no oppo-

sition be made, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

50. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

51. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

52. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.

53. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of said repealing bill, unless required by one third of the House.

54. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

55. The Clerk of the House shall be deemed to continue in office until another is appointed.

EDWARD STANLY,
Speaker of the House of Commons.

By order,
CHARLES MANLY, *Clerk.*

JOINT RULES

FOR

BOTH HOUSES.

1. Each House shall perfect and finally act on all Bills, Resolutions and Orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a Bill, Resolution, or Order, agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, each Committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

4. When a Message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the Door Keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a Bill shall have passed the House in which it originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a Bill shall have passed both Houses, it shall be duly enrolled, on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

7. When Bills are enrolled, they shall be carefully examined by a Joint Committee of two from the Senate, and four from the House of Commons, appointed at the meeting of the two Houses each Monday morning, as a Committee for that purpose, for one week, whose duty it shall be carefully to compare the enrolment with the Engrossed Bills, as passed in the two Houses, and to correct any errors that may be discovered in the Enrolled Bills, and make their report of the said Bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All Orders, Resolutions and votes of the Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a Bill or Resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The Committee in each House shall in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any Bill or Resolution shall be formed, shall be transmitted to the other House.

12. The Committee of Finance shall be joint, consisting of eight Members of each House. The Library Committee shall be a Joint Standing Committee, consisting of three Members from each House, appointed by the Speakers thereof, respectively.

13. In all Joint Committees, the Member first named on the Committee, on the part of the House proposing to raise such Committee shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any Joint Committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in Octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each Member of the General Assem-

bly, one copy to the Clerks of each House for the use thereof; and ten copies shall be deposited in the Public Library.

16. All elections requiring a joint vote shall be *viva voce*, and a Select Committee of two Members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said Select Committees shall confer together and report the result of such election to their respective Houses.

17. That the foregoing rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.

REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

GOVERNOR OF THE STATE,

SHOWING

THE RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

FISCAL YEAR, ENDING NOVEMBER 1st, 1845.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.

1845.

EXECUTIVE OFFICE,
RALEIGH, *November 19th*, 1845.

SIR:—I send herewith, the Report of WILLIAM F. COLLINS, Esq. Comptroller of Public Accounts, made according to the requirements of the Acts of the General Assembly, for the year ending the 31st of October last; and have to request that you will print in Pamphlet form, Two Hundred and Fifty copies thereof, to be delivered at this Office, for the use of the next Legislature, and that the Editors of the Raleigh Register and North Carolina Standard will give the same an insertion in their respective Gazettes.

Very respectfully yours,

WILL: A. GRAHAM.

W. R. GALES, Esq.

COMPTROLLER'S OFFICE,
RALEIGH, N. C. *November 19th*, 1845.

SIR:—In obedience to an Act of the General Assembly of North Carolina, passed at the session of 1836-37, entitled an "Act concerning the Comptroller's Office," I have the honor to hand you herewith, a Report, exhibiting the receipts and disbursements at the Public Treasury of North Carolina, from the 1st day of Nov. 1844, to the 31st day of October, 1845, both days included.

I have the honor to be, with great respect,

Your obe'd't. serv'nt.

W. F. COLLINS, Comptroller.

His Ex: WILL: A GRAHAM, Gov. N. C.

Dr. JOHN H. WHEELER, *Public Treasurer, in Account*

1844				
Nov.	To	Cash received of David W. Stone, Cashier of the Bank of Cape Fear, being a dividend declared on 10 shares of Stock held in said Bank by the State, unappropriated,		30 00
1845.				
Jan.	"	Cash received of David W. Stone, Cashier of the Bank of Cape Fear, being amount borrowed of said Bank, by virtue of an Act passed at the Session of 1844–'45, to meet the liabilities of the State,	50,000	00
	"	Cash received of Rufus Reid, member of the House of Commons from Iredell County, deposited as a fund for the Education of the Deaf, Dumb and Blind,	3	00
Jan. 20.	"	Balance due Public Treasurer,	102,388	80
			$152,421	80

with the State of North Carolina. Cr.

1844.			
Nov. 1.	By Balance due Public Treasurer, on the 1st day of November, 1844,	$70,954	97
	" Disbursements from 1st day November, 1844, to 20th January, 1845, inclusive,	81,466	83
		$152,421	80
1845.			
Jan. 20.	By Balance due Public Treasurer, the 20th day January, 1845,	$102,388	80

DISBURSEMENTS *from 1st day Nov. 1844, to 31st day Oct. 1845, inclusive.*

JUDICIARY.

1844.			
Nov.	By Cash paid Judiciary as follows:		
	Paid Hon. Wm. H. Battle, his half year's salary, 10 certificates,	975	00
	" Hon. John M. Dick, Judge, his half year's salary, 10 certificates,	975	00
	" Hon. David F. Caldwell, Judge, his half year's salary, 10 certificates,	975	00
	" Hon. John L. Bailey, Judge, his half year's salary, 12 certificates,	975	00
	" Hon. Thomas Settle, Judge, his half year's salary, 10 certificates,	975	00
	" Henry S. Clark, Solicitor, 7 certificates of $20 each,	140	00
	" Robert Strange, Solicitor, 3 certificates, of $20 each,	60	00
	" David Outlaw, Solicitor, 7 certificates of $20 each,	140	00
	" John G. Bynum, Solicitor, 9 certificates of $20 each,	180	00
	" H. C. Jones, Solicitor, 6 certificates of $20 each,	120	00
	" Cad. Jones, Solicitor, 7 certificates of $20 each,	140	00
Dec.	" Hon. Frederick Nash, Supreme Court Judge, his 3d quarter salary,	625	00
	" Hon. Joseph J. Daniel, Supreme Court Judge, his 3d quarter salary,	625	00
	" Cad. Jones, Solicitor, 2 certificates,	40	00
	" Jno. G. Bynum, " 1 "	20	00
1845.			
Jan.	" Hon. Thomas Ruffin, Chief Justice, his 4th quarter salary,	625	00
	" Hon. Joseph J. Daniel, Supreme Court Judge, his 4th quarter salary,	625	00
	" Hon. Richmond M. Pearson, his half year's salary, 10 certificates,	975	00
	" Robert Strange, Solicitor, 1 certificate,	20	00
	" Hon. F. Nash, Supreme Court Judge, his 4th quarter salary,	625	00
		$9,835	00

TREASURY NOTES BURNT.

1845

Jan. For this sum allowed as a credit to Jno. H. Wheeler, being amount of Treasury Notes burnt by Committee of Finance, $63 03

EXECUTIVE DEPARTMENT.

1845

Jan. Paid John M. Morehead, Governor of North Carolina, for his 4th quarter's salary, $500 00

" Pryor Reynolds, Private Secretary to Gov. Morehead, his 4th qr. salary, 75 00

TREASURY DEPARTMENT.

1845

Jan. Paid John H. Wheeler, Public Treasurer, his salary, including that of his Clerk's 4th quarter's salary, 500 00

STATE DEPARTMENT.

1845

Jan. Paid William Hill, Secretary of State, his 4th quarter's salary. 200 00

COMPTROLLER'S DEPARTMENT.

1845

Jan. Paid William F. Collins, his 4th quarter's salary as Comptroller of Public Accounts, 250 00

ADJUTANT GENERAL'S OFFICE.

1845

Paid Robt. W. Haywood, Adjutant General, his half year's salary, 100 00

STATE LIBRARIAN.

1845

Jan. Paid Jas. F. Taylor his 4th quarter's salary as State Librarian, 75 00

SUPERINTENDANT OF PUBLIC BUILDINGS.

1845

Jan. Paid Green Hill, Superintendant of Public Buildings, his 4th quarter's salary, 65 00

PUBLIC LIBRARY.

1844

Nov. Paid Pryor Reynolds, to remit to the Editor of the N. A. Review, for subscription from January 1844 to January 1845, 5 00

PRINCIPAL ON RALEIGH AND GASTON RAIL ROAD BONDS.

1845

Jan. Paid Principal on Bonds of the Raleigh and Gaston Rail Road Company, due 1st day January 1845, endorsed by the State, $7,000 00

STATIONERY ACCOUNT.

Nov. Paid Hogan & Thompson, of Philadelphia, their bill for Stationery, 377 44

Paid Andrew Kevan & Brothers, their bill of Stationery, 22 34

Paid O. L. Cleveland, for Stationery. 26 00

INTEREST ON BONDS OF THE RALEIGH AND GASTON RAIL ROAD COMPANY.

1845

Jan. Paid Interest on the Bonds of the Raleigh and Gaston Rail Road Company, endorsed by the State, 19,209 00

PUBLIC PRINTING.

1844

Nov. Paid Thomas Loring, Printing Blanks for the Comptroller's Office, 11 65

" W. W. Holden, printing Blanks for Treasury Department, 12 00

" Thomas J. Lemay, printing Blanks for Secretary of State and Comptroller, 19 25

Dec. " Thomas J. Lemay, printing Comptroller's Report, 101 83

" Thomas J. Lemay, advertising Standard Weights and Measures and Proclamation, 9 00

" W. W. Holden, printing done for Public Treasurer, 33 00

1845				
Jan.	"	Thomas J. Lemay, Printing done by order of the Legislature, under contract with Wm. Hill, Sec. of State,		795 38
	"	Thomas Loring, printing Resolutions concerning Cherokee Indians,		3 50
	"	Thos. Loring, printing Proclamation concerning Electors for President and Vice President,		3 50
	"	Wm. W. Holden, printing 12 quires of Blanks for Treasurer's Office,		12 00
	"	Wm. W. Holden, publishing Governor's Proclamation, concerning Electors of President and Vice President of the U. S.		3 00
	"	Weston R. Gales, printing done for the Executive, Adjutant General and Comptroller's Office,		30 75
1844		POST OFFICE.		
Nov.	Paid	Thomas G. Scott, his Postage account as follows, viz:		
		Treasury Office,	$12 16	
		Compt'r. do.	5 78	
		Adj't. Gen. do.	78 78	
		Gov. Office do.	57 61	154 23
Dec.	"	Thomas G. Scott, viz:		
		Governor's Office,	68 74	
		Comptr's. do	5 80	
		Treasury do	10 26	
		Adjt. Gen. do	44 33	129 13
		GOVERNOR'S HOUSE.		
Nov.	Paid	Henry Patterson for Brick Work done at the Government House,		2 00
Dec.	"	Reeder and Lougee for work on Governor's House,		45 20
		STATE CAPITOL.		
Nov.	Paid	Justin Martindale, his bill for sundry work done at the Capitol ordered by the Board of Public Buildings,		39 75
	"	Wm. Stronach for work done at the Capitol,		200 00
Dec.	"	J. E. Lumsden, being for repairs on State Capitol,		55 00

CONTINGENCIES.

1844			
Nov.	Paid Green Hill his Bill for assorting and filing away Legislative documents, from 1749 to 1828,	10	60
	" William Hill for recording Land Deeds sold by the Sheriff of Washington County and purchased for the State,	2	80
	" Robert B. Davis, Sheriff of Washington, for sale of Lands for State Tax, also for recording the same, with his commissions included,	5	36
Dec.	" Silas Burns, for making a new Seal, paid under Resolution of the General Assembly,	15	50
	" Silas Burns making Fire-fenders for the use of State Capitol,	60	60
1845.			
Jan.	" Pryor Reynolds to pay for Servant hire at the Executive Office,	48	00
	" Jno. H. Wheeler, per Resolution,	117	00
	" Wm. Davidson, "	669	93
	" Reeder & Lougee, "	9	50
	" John L. Christian, "	200	00
	" Wm. Thompson, "	93	50
	" James C. Turrentine, "	300	00
	" A. S. Moring, "	89	90
	" Jacob Heatman, "	414	80
	" J. J. Finch, "	52	00
	" Wm. Ennett, "	25	00
	" Leonard Ziglar, "	40	20
	" Justin Martindale "	4	85
	" Wm. T. Bain, "	16	00
	" Michael Frances, "	75	00
	" Wm. J. Lewis, "	24	00
	" William Chavis keeping Pump on Public Square in order for 9 months,	7	50

1844

ELECTORAL ELECTIONS.

Nov.	Paid Sheriff of Anson County making returns,			22	90
	"	Ashe	"	39	16
	"	Beaufort	"	23	33
	"	Bertie	"	22	10
	"	Brunswick	"	31	66
	"	Buncombe	"	50	20
	"	Burke	"	42	37
	"	Caldwell	"	39	37
	"	Caswell	"	12	50
	"	Camden	"	44	91
	"	Carteret	"	30	50
	"	Chatham	"	14	16
	"	Cherokee	"	70	08
	"	Chowan	"	44	42
	"	Cleveland	"	41	03
	"	Columbus	"	22	50
	"	Currituck	"	49	08
	"	Davie	"	22	50
	"	Edgecomb	"	12	00
	"	Franklin	"	7	50
	"	Gates	"	29	91
	"	Granville	"	10	00
	"	Greene	"	15	00
	"	Haywood	"	55	32
	"	Henderson	"	49	37
	"	Hyde	"	38	53
	"	Iredell	"	32	05
	"	Johnston	"	6	83
	"	Lenoir	"	15	83
	"	Macon	"	62	25
	"	Martin	"	19	16
	"	Mecklenburg	"	29	42
	"	Moore	"	11	03
	"	Montgomery	"	21	33
	"	Nash	"	10	00
	"	New Hanover	"	26	16
	"	Northampton	"	22	16
	"	Onslow	"	23	00
	"	Pasquotank	"	37	08
	"	Perquimons	"	48	75
	"	Pitt	"	18	33
	"	Rowan	"	22	50
	"	Richmond	"	19	16

1844				
Nov.	Paid Sheriff of Rockingham Co. making returns		8	50
	" Robeson	"	18	10
	" Randolph	"	15	00
	" Rutherford	"	44	37
	" Stokes	"	22	50
	" Stanly	"	22	90
	" Surry	"	31	00
	" Tyrrel	"	35	83
	" Wake	"	2	50
	" Warren	"	11	67
	" Washington	"	24	16
	" Yancy	"	46	10
Dec.	" Hertford	"	22	50
	" Duplin	"	14	00
	" Bladen	"	18	50
	" W. W. Cherry, Elector	"	24	00
	" Josiah Collins "	"	34	00
	" Robt. B. Gilliam "	"	11	00
	" W. H. Washington "	"	27	00
	" Daniel B. Baker, "	"	29	80
	" M. Q. Waddell "	"	9	60
	" John Kerr "	"	16	60
	" A. H. Shepherd "	"	23	00
	" J. W. Osborne "	"	34	60
	" Jonathan Horton "	"	47	00
	" John Baxter "	"	61	80
			$1921	47

WEIGHTS AND MEASURES.

1844			
Dec.	Paid Thomas Brown for delivering the Standard Yard Stick to seventy-four counties in this State,	180	00
1845	George Price for seventy-four Standard Yard Measures,	1644	00
Jan.	" J. H. Lindsey for five days service in going to Danville, Va. by appointment of Gov. Morehead, to attend to Sealing and Weighing Standard Capacity Measures,	15	00

1844

PENSIONERS.

Dec.	Paid the following persons their Pensions:		
	John Rhem	100	00
	Thomas Ewell	100	00
	Martha Thompson	100	00
	Martha Spears	50	00
1845	Ann Patterson	32	50
Jan.	Alexander Taylor	50	00

BOGUE BANKS.

1844.

Dec.	Paid George Dill, being amount of claim for Lands ceded to the United States by the title of Bogue Banks,	171	58

GENERAL ASSEMBLY.

1844.

Dec.	Paid William Stringer, per Resolution of General Assembly,	30	00
	Green Hill, " "	15	00
1845.			
Jan.	B. S. Gaither, Speaker of the Senate,	258	00
	Asa Biggs, Member "	181	40
	Wm. Albright, " "	167	00
	J. M. Bogle, " "	193	70
	Geo. D. Boyd, " "	176	00
	Nathaniel Boyden, " "	186	00
	Thomas N. Cameron, " "	175	00
	Richard G. Cowper, " "	180	00
	Alfred Dockery, " "	180	00
	John H. Drake, " "	171	00
	George S. Eaton, " "	168	20
	Weldon N. Edwards, " "	155	40
	H. B. Elliott, " "	173	00
	William Ennett, " "	170	00
	Caleb Etheridge, " "	205	00
	John Exum, " "	168	00
	Michael Francis, " "	219	50
	E. C. Gavin, " "	178	00
	Littleton A. Guinn, " "	172	20
	Joseph Halsey, " "	215	00
	A. Hargrave, " "	185	40
	Isaac Hellen, " "	196	60
	Robert H. Hester, " "	172	80
	J. K. Hill, " "	177	00

1845				
Jan.	Owen Holmes,	Member	Senate	184 30
	William A. Jeffreys,	"	"	166 00
	Thomas Jefferson,	"	"	209 00
	Andrew Joyner,	"	"	180 00
	Isaac Joiner,	"	"	91 20
	Jesse Lindsey,	"	"	178 00
	Robert Melvin,	"	"	180 40
	A. B. McMillan,	"	"	206 00
	John M. Moody,	"	"	170 00
	Thomas J. Pasteur,	"	"	174 00
	M. F. Pharr,	"	"	192 20
	John Reich,	"	"	185 00
	William B. Shepard,	"	"	150 00
	P. S. Smith,	"	"	185 60
	Edwin J. Speight,	"	"	176 00
	Whitmel Stallings,	"	"	195 00
	J. M. Worth,	"	"	182 00
	Larkin Stowe,	"	"	197 40
	Joshua S. Tayloe,	"	"	183 00
	Lewis Thompson,	"	"	162 00
	George W. Thompson,	"	"	165 20
	James Tomlinson,	"	"	161 60
	Hugh Waddell,	"	"	161 00
	John Walker,	"	"	191 65
	Louis D. Wilson,	"	"	175 40
	Nicholas W. Woodfin,	"	"	215 00
	Thomas G. Stone,	Principal Clerk	Senate	402 40
	Perrin Busbee,	Reading	"	312 00
	James Page,		Door-keeper,	180 00
	Patrick McGowan,	Assistant	"	165 00
	Edward Stanly,	Speaker	House Commons,	234 00
	Jesse Adams,	Member	"	165 00
	Benj. F. Atkins,	"	"	164 60
	Caleb Barco,	"	"	207 80
	E. Barnes,	"	"	169 00
	D. A. Barnes,	"	"	185 00
	Joshua A. Barnes,	"	"	169 00
	John R. Beaman,	"	"	173 00
	Lewis Bond,	"	"	182 40
	A. F. Brame,	"	"	171 00
	Robert R. Bridgers,	"	"	172 40
	C. H. Brogden,	"	"	171 50
	Alfred Brower,	"	"	172 00
	George W. Brown,	"	"	188 20
	James M. Bullock,	"	"	126 80
	Benjamin Burgin,	"	"	208 80
	Tod R. Caldwell,	"	"	199 50

1845				
Jan.	B. C. Calloway,	Member	House Commons	203 00
	W. W. Cherry,	"	"	181 40
	Alex. Church,	"	"	196 60
	John Clayton,	"	"	216 00
	C. J. Cochran,	"	"	177 12
	James Collins,	"	"	167 40
	Wilson Creedle,	"	"	202 00
	John W. Cunningham,	"	"	172 00
	Silas Davenport,	"	"	213 40
	Thomas Davis,	"	"	205 50
	William Dixon,	"	"	202 00
	James G. Dixon,	"	"	174 00
	William Doak,	"	"	176 00
	B. C. Douthit,	"	"	181 00
	James A. Dunn,	"	"	194 45
	James G. Edwards,	"	"	161 00
	James C. Ehringhaus,	"	"	207 00
	John W. Ellis,	"	"	183 00
	William Emmerson,	"	"	188 20
	James A. Fagg,	"	"	225 20
	C. F. Faucette,	"	"	164 20
	Samuel Flemming,	"	"	211 50
	William Foy,	"	"	181 20
	J. J. Gambill,	"	"	199 00
	R. Gatling,	"	"	175 00
	Sterling H. Gee,	"	"	174 00
	Wesley H. George,	"	"	192 40
	Reuben D. Golding,	"	"	183 00
	Calvin Graves,	"	"	172 40
	Frederick Grist,	"	"	180 00
	John S. Guthrie,	"	"	165 60
	D. C. Guyther,	"	"	207 40
	Daniel Hackney,	"	"	168 00
	James Y. Hambrick,	"	"	201 20
	H. F. Harris,	"	"	177 00
	W. D. Harrison,	"	"	168 00
	John Horton,	"	"	165 60
	John H. Hawkins,	"	"	171 50
	George W. Hays,	"	"	239 60
	Jesse Jackson,	"	"	173 00
	John B. Jones,	"	"	213 50
	Joseph Keener,	"	"	229 80
	Isaac B. Kelly,	"	"	176 80
	John Kirk,	"	"	191 25
	James K. Lee,	"	"	159 00
	J. R. Leathers,	"	"	166 20
	R. M. Lemmon,	"	"	191 25

1845				
Jan.	James T. Littlejohn,	Member	Ho. Commons	167 00
	Francis Lock,	"	"	184 40
	John B. Lord,	"	"	184 50
	James M. Mangum,	"	"	163 00
	W. K. Martin,	"	"	163 00
	Giles Mebane,	"	"	159 20
	G. A. Miller,	"	"	185 60
	William E. Mills,	"	"	202 00
	William A. Mitchell,	"	"	183 40
	B. F. Moore,	"	"	175 60
	David Murphy,	"	"	166 00
	D. M. McIntyre,	"	"	183 60
	Joel McLean,	"	"	174 40
	Neill McNair,	"	"	180 00
	James McNeill,	"	"	178 20
	Jere. Nixon,	"	"	189 00
	John B. Odom,	"	"	182 00
	R. T. Paine,	"	"	203 40
	C. L. Payne,	"	"	173 40
	C. Perkins,	"	"	179 40
	Caleb Phifer,	"	"	187 00
	John F. Poindexter,	"	"	183 00
	Loftin K. Pratt,	"	"	165 00
	F. J. Prentiss,	"	"	174 00
	R. C. Puryear,	"	"	176 00
	Richard Rankin,	"	"	194 25
	Neill Regan,	"	"	176 60
	Rufus Reid,	"	"	188 00
	F. D. Reinhardt,	"	"	194 00
	Lunsford Richardson,	"	"	164 40
	T. J. Roane,	"	"	235 92
	H. H. Robinson,	"	"	169 20
	Thomas H. Robinson,	"	"	189 20
	Zebedee Rush,	"	"	173 00
	E. W. Sanders,	"	"	189 00
	Peter Scales,	"	"	180 40
	Jacob Sharpe,	"	"	178 00
	Duncan Shaw,	"	"	173 00
	James B. Shepard,	"	"	159 00
	John A. Smith,	"	"	165 50
	J. M. Stone,	"	"	164 60
	Donald Street,	"	"	171 00
	D. Taliaferro,	"	"	191 00
	John Thrash,	"	"	219 50
	Jonathan Trull,	"	"	190 00
	J. M. Waddill,	"	"	188 00
	William H. Washington,	"	"	183 00

H. H. Watters,	Member House Commons	189	40
James H. White,	" "	195	80
D. W. Whitehurst,	" "	195	40
N. L. Williamson,	" "	183	30
R. P. Williamson,	" "	175	00
Gaston H. Wilder,	" "	160	00
Nathaniel Wilson,	" "	194	40
Thomas Wilson,	" "	208	35
William S. Woodard,	" "	179	00
Charles Manly, Principal Clerk,		390	00
James R. Dodge, Assist't "		359	00
Joseph Holderby, Engrossing Clerk,		228	00
John D. Cameron, "		224	00
M. Q. Waddell, "		218	60
Samuel J. Finch, Principal Door-keeper,		243	32
William R. Lovell, Assistant Door-keeper,		187	60
Members Receipts, extra pay 1 day each,		303	00
Clerks and Speaker's, " " " "		28	00
Door-keepers' extra pay by Resolution,		100	00
Assistant Engrossing Clerks,		36	00
S. H. Whitaker, Fire-wood for Legislature,		292	50
L. H. Marsteller, per Resolution,		39	00
		$34,857	26

RECAPITULATION OF RECEIPTS.

Bank Dividends Bank Cape Fear,	30	00
Borrowed of Cape Fear Bank by Resolution,	50,000	00
Rufus Reid for Deaf, Dumb and Blind,	3	00
	50,033	00
Balance,	102,388	80
	$152,421	80

DISBURSEMENTS

From November 1st, 1844, to 20th January, 1845.

Judiciary	9,835 00
Treasury Notes Burnt	63 03
Executive Department	575 00
Treasury Department	500 00
State Department	200 00
Comptroller's Department	250 00
State Librarian	75 00
Adjutant General's Office	100 00
Superintendant of Public Buildings	65 00
Public Library	5 00
Principal on Raleigh and Gaston R. R. Bonds	7,000 00
Interest	19,219 00
Stationery Account	425 78
Public Printing	1034 86
Post Office	283 36
Governor's House	47 20
State Capitol	294 75
Contingencies	2,282 04
Electoral Elections	1,921 47
Weights and Measures	1,839 00
Pensioners	432 50
Bogue Banks	171 58
General Assembly	34,857 26
	$81,466 83
Add balance due Public Treasurer 1st November 1844,	70,954 97
	$152,421 80
Deduct Receipts since 1st Nov. 1844	50,033 00
1845 Jan. 20. By balance due Public Treasurer 20th January, 1845,	$102,388 80

Dr. John H. Wheeler, *Treas. Literary Fund, in*

1844			
Nov. 1.	To balance due President and Directors of Literary Fund, on the 1st of Nov. 1844,	64,329	40
	Cash recived as Entries of Vacant Land during this month,	1,694	99
	Cash received of Gov. Morehead, Presid't ex officio of the Literary Board, being Principal collected on loans by said B'rd,	2,487	59
	Cash received of Gov. Morehead, Presid't ex officio of the Literary Board, as Interest on loans made by said Board,	920	55
	Cash received of S. S. Backus, Auctioneer, being amount of sales from 31st October, 1843, to 31st September, 1844,	7	59
	Cash rec'd of D. W. Stone, Cashier, being a dividend on Stock held in the Bank of Cape Fear by the President and Directors of the Literary Fund,	15,966	00
Dec. 1845	Cash received during this month on Entries of Vacant Lands,	3,284	72
Jan. 20.	Cash rec'd as Entries on Land up to 20th January, 1845,	300	40
	Cash received of Charles Dewey, Cashier of the Bank of the State, as dividends on Stock held in said Bank by the Presid't and Directors of Literary Fund,	15,081	00
		$104,072	24

1845.		
Jan. 20.	To Balance due President and Directors of the Literary Fund, 20th Jan. 1845,	$90,222 39

account with Pres't and Direct's of Literary Fund. Cr.

1844			
Nov.	By Cash paid the following Counties for Common Schools, viz:		
	Ashe County,	577	25
	Cherokee	258	25
	Duplin	739	00
	Gates	570	00
	Gates	372	00
	Haywood	383	95
	McDowell	368	40
	Moore	587	70
	Montgomery	403	20
	New Hanover	853	00
	Rockingham	920	20
	Rockingham	711	00
	Stokes	1206	00
	" Cash paid Thomas J. Lemay, by order of Literary Board, for publishing the Spring and Fall distribution of Common School funds,	11	00
Dec.	" Cash paid the following Counties for Common Schools:		
	Bertie	753	50
	Cleveland	525	75
	Columbus	277	40
	Davie	416	00
	Davie, Sept. dividend,	541	90
	Tyrrell	324	00
1845.			
Jan. 20.	Warren	1,355	00
	Granville	1,216	10
	Burke	378	00
	" Cash paid Weston R. Gales, printing by order of the Literary Board,	101	25
	Balance,	90,222	39
		$104,072	24
1845.			
Jan. 20.	By Charles L. Hinton, Treasurer Literary Fund, the successor of Jno. H. Wheeler, late Treasurer of Literary Fund, being balance passed over to C. L. Hinton,	$90,222	39

Dr. John H. Wheeler, *Treas. Literary Fund, in*

RECAPITULATION OF RECEIPTS.

To Balance on hand, 1st Nov. 1844,	$64,329	40
" Entries on Vacant Land,	5,280	11
" Bank Dividends Bank of the State,	15,081	00
" Bank Dividends, Cape Fear,	15,966	00
" Principal on loans by Lit'y Board,	2,487	59
" Interest " "	920	55
" S. S. Backus, Auctioneer,	7	59
	$104,072	24

account with Pres't and Direct's of Literary Fund. Cr.

RECAPITULATION OF DISBURSEMENTS.

Paid Common Schools of Counties,	13,737	60
" Expenses of Literary Board,	112	25
Balance due Literary Fund, 20th Jan. 1845,	90,222	39
	$104,072	24

Dr. John H. Wheeler, *Treasurer of Fund for Internal Improvements,*

1844.			
Nov. 1.	To balance as per settlement on the 1st day of November, 1844,	$51,166	01
	" Cash received of Samuel F. Patterson, Administrator of Edmund Jones on Cherokee Bonds, (Sale 1838,)	250	00
	" Cash received of David W. Stone, Cashier of the Bank of Cape Fear, being dividend on Stock held in said Bank by the President and Directors of Internal Improvement Fund,	366	00
	" Cash received of N. J. Jarrett, by the hands of T. J. Roane, being payment on Cherokee Bonds, (Sale 1838,)	24	36
Dec.	" Cash received of Jesse R. Siler, by the hands of Michael Francis, being in full of purchase money for Section No. 4, in Dist.		
1845	No 1, Cherokee Land Sales, 1838,	95	51
Jan. 20.	" Cash received of Jacob Siler, Agent for the collection of Cherokee Bonds, (Sale 1838,)	691	75
	" Cash received of S. F. Patterson, Admr. of Edm'd. Jones, dec'd. being in full of the 3d instalment and part of the 4th instalment for Cherokee Lands, (Sale 1838,)	250	00
	" Cash received of J. W. Guinn, by the hands of M. Francis, Collector of Cherokee Bonds, placed in his hands, (Sale 1836)	43	00
		$52,886	63

1845			
Jan. 20	To balance due President and Directors of Fund for Internal Improvement, 20th Jan'y, 1845,	$52,787	38

in account with the President and Directors of Literary Fund. Cr.

1844.			
Dec.	By Cash paid Pryor Reynolds, being to defray expenses of the Members of the Internal Improvement Board, from 4th Jan. 1844, to 11th Dec. 1844,	99	25
	Balance due Internal Improvement fund,	52,787	38
		$52,886	63

1845.			
Jan. 20.	By Charles L. Hinton, Treasurer of Fund for Internal Improvement, successor of Jno. H. Wheeler, late Treasurer of Internal Improvement Fund,	$52,787	38

Dr. JOHN H. WHEELER, *Treasurer of Fund for Internal Improvements,*

RECAPITULATION OF RECEIPTS.

Balance on hand 1st day Nov. 1844,	51,166	01
Received on Cherokee Bonds, (sale 1838,)	1,311	62
" " " (sale 1836,)	43	00
" on Bank Dividends in Cape Fear,	366	00
	$52,886	63

in account with the President and Directors of Literary Fund. Cr.

RECAPITULATION OF DISBURSEMENTS.

Expenses of the members of Internal Improvement Board,	99	25
Balance,	52,787	38
	$52,886	63

Dr. CHARLES L. HINTON, *Treas. Literary Fund, in*

1845.		
Jan. 20.	To Cash received of John H. Wheeler, late Public Treasurer, being balance in his hands as Treasurer of Literary Fund, which amount has been passed over to Charles L. Hinton, Treasurer elect on the 20th day January, 1845,	$90,222 39
Jan.	" Cash received as Entries of Vacant Lands during this month, from 20th to 31st January inclusive,	120 77
	" Cash received of William A. Graham, President *ex officio* of the Literary Board, as principal on loans made by said Board,	463 76
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, as interest on loans made by said Board,	560 20
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Principal on Bonds of the Raleigh & Gaston Rail Road Company,	2,000 00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, as Interest on the Bonds of the Raleigh & Gaston Rail Road Company,	4,959 00
Feb.	" Cash received during this month as entries of Vacant Land,	215 67
March	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Principal on loans made by said Board,	888 94
	" Cash received as Entries of Vacant Lands,	206 92
	" Cash received of Gov. Graham, President *ex officio* of Literary Board, as Interest collected on loans made by said Board,	724 98

Account with Pres't and Direct's of Literary Fund. Cr.

1845			
Jan. 31.	By Cash paid Pryor Reynolds, late Secretary to the Literary Board, to defray the expenses of the Members of said Board, from 31st October, 1844, to 31st Dec. 1844, inclusive,	276	00
Feb.	" Cash paid William D. Cook, from the Fund set apart for the education of the Deaf and Dumb,	1,500	00
	" Cash paid Chairman of Common Schools, for the following Counties, viz.:		
	McDowell	645	90
	Hyde (balance)	10	11
Ap'l.	Guilford	1,107	00
	Greene	330	00
	Stokes	928	00
	Orange	1,317	00
	Rockingham	753	00
Ap'l.	Beaufort	637	00
	Martin	398	00
	Wake	1,095	00
	Johnston	562	00
	Burke	378	00
	Rutherford	1,078	00
	McDowell	286	00
	Lenoir	375	00
	Camden	306	00
	Cabarrus	513	00
	Pasquotank	453	00
	New Hanover	658	00
	Wayne	576	00
	Anson	792	00
	Henderson	302	00
	Ashe	444	00
	Brunswick	271	00
	Cleveland	405	00
	" Cash paid Henry W. Graham, Secretary of the Literary Board, to defray expenses of the members of said Board,	132	00
May.	" Printing Bills ordered by the Literary Board, concerning Common Schools,	185	87

Dr. CHARLES L. HINTON, *Treas. Literary Fund, in*

1845			
Mar.	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, as Interest collected on the Bonds of the Wilmington and Raleigh Rail Road Company, held by said Board,	4,110	00
Apl.	" Cash received as Entries of vacant Land during this month,	150	25
	" Cash received of Gov. Graham, Pres't. *ex officio* of Internal Improvement Board, being interest on loans made by said Board and appropriated to the Literary Fund,	470	81
	" Cash received of D. W. Stone, Cashier of the Bank of Cape Fear, being a dividend of 3 per cent. on 5322 Shares of Stock held in said Bank by the President and Directors of the Literary Fund,	15,966	00
May	" Cash received as Entries of vacant Land during this month,	167	33
	" Cash received of Geo. McNeill, Treasurer of Cape Fear Navigation Company, being dividends No. 20, 21 and 22 of one per cent. on 650 Shares of Stock held in said Company by the President and Directors of the Literary Fund,	1950	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Principal on loans by said Board,	1774	26
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, as Interest collected on loans made by said Board,	1171	26
June	" Cash received during this month as entries of vacant land,	204	72
July	" Cash received as entries of vacant land this month,	145	50

account with Pres't and Direct's of Literary Fund. Cr.

1845			
May	" Cash paid the following Counties for Common Schools:		
	Bladen		407 00
	Carteret, Sept. Dividend,		480 50
	Carteret, April do.		369 00
	Caswell do. do.		725 00
	Chatham		863 00
	Cherokee		212 00
	Craven		682 00
	Cumberland		802 00
	Currituck		358 00
	Halifax		800 00
	Hyde		341 00
	Iredell		867 00
	Mecklenburg		962 00
	Northampton		652 00
	Onslow		393 00
	Person		493 00
	Pitt		583 00
	Richmond		440 00
	Robeson		563 00
	Sampson		635 00
	Wilkes		675 00
June.	Chowan		319 00
	Duplin		569 00
	Perquimons		378 00
	Surry		878 00
	Montgomery		310 00
	" Cash paid Henry W. Graham, Secretary to the Literary Board, expenses of the Literary Board, for the quarter ending 30th June, '45,		132 00
July.	" Wm. D. Cooke, Superintendant of the Deaf and Dumb, by order of Literary Board,		400 00
	" Nash County, Common Schools,		462 00
	Macon	"	289 00
	Haywood	"	298 00
	Granville	"	937 00
	Franklin	"	541 00
	Buncombe	"	586 00
	Davidson	"	830 00
Aug.	Catawba	"	5,436 14
	Hertford	"	377 00

Dr. Charles L. Hinton, *Treas. Literary Fnnd, in*

1845			
July	" Received of Charles Dewey, Cashier, being a dividend on 5027 shares of Stock held in the Bank of the State by the President and Directors of the Literary Fund of North Carolina,	16,337	75
	" Cash received of Andrew Joyner, President of the Roanoke Navigation Company, being dividend No. 13 on 500 Shares of Stock held in said Company by President and Directors of Literary Fund,	750	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Interest on Raleigh & Gaston Rail Road Bonds,	4,899	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being amount of Interest collected on the Bonds of the Wilmington & Raleigh Rail Road Company,	4,110	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Interest collected on loans made by said Board,	75	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Principal on Bonds discounted by said Board,	200	00
	" Cash received of Gov. Graham, President *ex officio* of the Literary Board, being Interest collected on loans made by the Board of Internal Improvem'ts.	191	36
Aug.	" Cash received as Entries of Vacant Land during this month,	833	95

account with Pres't and Direct's of Literary Fund, Cr.

1845			
	" Wm. D. Cooke, Superintendant of the Deaf and Dumb Institution,	50	40
Sept.	" Rutherford Co., for Common Schools,	831	00
	Caldwell "	306	00
	Columbus "	215	00
	Stanly "	288	00
	Tyrrell "	257	00
	Burke "	215	52
Oct.	Franklin "	782	05
	Johnston "	812	80
	Orange "	1,906	13
	Wayne "	831	92
	Washington, Spring div'd, 1845,	236	00
	Wake, Fall "	1,582	72
	Washington, Fall "	337	62
	" H. P. Peete, of the Institution for the Deaf and Dumb in New York, as compensation for Slates and forms for the use of the Deaf and Dumb School in N. C.	95	98
	" D. W. Stone, Member of the Literary Board, for four days attendance since last statement of its account,	12	00
	Balance,	112,213	13
		$162,725	79

Dr. CHARLES L. HINTON, *Treas. Literary Fund, in*

1845			
Aug.	" Cash received of Wm. A. Graham, President *ex officio* of Literary Board, being Principal on loans made by said Board,		1,654 06
	" Cash received of Gov. Graham, President *ex officio* of Literary Board, being Interest on loans made by said Board,		2,941 89
	" Cash received from sundry Sheriffs, being a Tax on Retailers of Spirituous Liquors in 1845,		210 56
Sept.	" Cash received during this m'nth as Entries of Vacant Land,		844 57
	" Cash received of sundry Sheriffs, being amount collected on Retailers of Spirituous Liquors, in 1845,		2,726 00
Oct.	" Cash received dur'g this month as Entries of Vacant Land,		371 37
Oct.	" Cash received of the following Auctioneers, being Tax on Sales at Auction, viz :		
	T. S. Memery, Auct'r,	Columbus Co.	4 49
	R. G. Rankin, "	New Hanover	385 07
	Talcott Burr, "	"	7 07
	W. L. Smith, "	"	143 93
	Wm. Dunn, "	"	51 47
	M. M. Plunket, "	"	2 78
	William Peck, "	Wake	12 71
			$162,725 79

account with Pres't and Direct's of Literary Fund, Cr.

Amount brought forward,	$162,725 79

Dr. CHARLES L. HINTON, *Treas. Literary Fund, in*

1845.		
Nov. 1.	To Balance due President and Directors of the Literary Fund, on the 1st day of November, 1845, as per vouchers on file in the Comptroller's Office,	$112,213 13

RECAPITULATION OF RECEIPTS.

Balance received of Jno. H. Wheeler, late Treasurer,	90,222 39
Entries of Vacant Land,	2,761 05
Auction Tax,	607 52
Principal on loans by Literary Board,	4,981 02
Interest " "	5,473 33
Interest on loans made by Internal Improvement Board,	662 17
Principal on Raleigh and Gaston Rail Road Bonds,	2,000 00
Interest on " "	9,858 00
Interest on Wilmington and Raleigh Rail Road Bonds,	8,220 00
Roanoke Navigation Company,	750 00
Bank Dividends, Bank of Cape Fear,	15,966 00
" " State,	16,337 75
Cape Fear Navigation Company, dividend,	1,950 00
Retailers of Spirituous Liquors,	2,936 56
	$162,725 79

account with Pres't and Direct's of Literary Fund. Cr.

RECAPITULATION OF DISBURSEMENTS.

Common Schools,	47,728 41
Deaf and Dumb Institution,	2,046 38
Expenses of Literary Board, (Members,)	552 00
Printing by order of Literary Board,	185 87
Balance due Literary Fund,	112,213 13
	$162,725 79

Dr. Charles L. Hinton, *Treas. of Fund for Internal Improvements,*

1845			
Jan. 20.	To balance received of John H. Wheeler, late Public Treasurer, being amount in his hands as Treasurer of Fund for Internal Improvements, which amount has this day been passed over to Charles L. Hinton, Treasurer elect,	52,787	38
	" Cash received of Josiah Dilliard and other Justices of Haywood County, being a payment on Bonds given for Cherokee Lands, (Sale 1836)	1,496	96
March	" Cash received as payment on Cherokee Bonds, (Sale 1838)	559	40
	" Cash received as payment on Cherokee Bonds, (Sale 1836)	50	00
April	" Cash received of Gov. Graham, President *ex officio* of the Internal Improvement Board, being Principal on loans made by said Board,	1,518	62
	" Cash received of S. F. Patterson, Administrator of Edmund Jones, being in full of the 4th Instalment for the purchase of Sections 29, 34 and 68, in District No. 7, of Cherokee Lands, sold in 1838,	374	67
	" Cash received of David W. Stone, Cashier of the Bank of Cape Fear at Raleigh, being a dividend of 3 per cent. on 112 Shares of stock, held in said Bank by the President and Directors of Internal Improvement Fund,	336	00
July.	" Cash received of Jacob Siler, Agent of the State for collecting Cherokee Bonds, (Sale of 1838,)	1,000	00
	" Cash received of Gov. Graham, President *ex officio* of Internal		

in account with the President and Directors of Internal Imp. Fund. Cr.

1845.		
March.	By Cash paid William J. Clark, Clerk to the Internal Improvement B'rd, being his compensation from July 1844, to January 20th, 1845,	36 00
	" Cash paid Expenses of members of the Internal Improvement Board,	57 00
Aug.	" Cash paid Expenses of the members of the Board of Internal Improvements,	21 00
	" Cash paid S. Birdsall, Clerk to the Board of Internal Improvements, for 34 days services rendered said Board,	102 00
Sept.	" Cash paid Rev. E. Mitchell, for Survey of the Western Turnpike Road, being in part of his compensation,	400 00
Oct.	" Cash paid Joseph Cathey, Commissioner, at two dollars per day, for ninety-five days, under the Act of the last General Assembly, entitled "An Act more effectually to secure the debts due the State for Cherokee Lands, and to facilitate the collection of the same,	190 00
Nov. 1.	Balance due Internal Improvement Fund,	59,853 37
		$60,659 37

Dr. CHARLES L. HINTON, *Treas. of Fund for Internal Improvements*,

1845			
Aug.		Improvement Board, being Principal collected on loans by said Board,	16 34
Sept.	"	Cash received of John Sudderth, being part of 4th Instalment for the purchase of Section No. 18, in District No. 1, of the Cherokee Lands, sold in 1838,	350 00
Oct.	"	Cash received of Jacob Siler, Agent for the collection of Cherokee Bonds, Sale of 1838,	2,000 00
	"	Received of Thos. L. Clingman, Attorney, for collection of Cherokee Bonds, Sale of 1836,	170 00
			$60,659 37
1845			
Nov. 1.	"	To balance due President and Directors of Fund for Internal Improvements, 1st day November, 1845,	$59,853 37

RECAPITULATION OF RECEIPTS.

Balance received of Jno. H. Wheeler, 20th Jan. 1845,	$52,787 38
Cherokee Bonds, (Sale of 1336)	1,716 96
Cherokee Bonds, (Sale of 1838)	4,284 07
Bank Dividends, Bank Cape Fear,	336 00
Principal on loans by Internal Improvement Board,	1,534 96
	$60,659 37

in Account with the Pres't. and Direct's of Internal Imp. Fund. Cr.

RECAPITULATION OF DISBURSEMENTS.

Clerks to Internal Improvement Board,	138 00
Expenses of " "	78 00
Survey of Western Turnpike Road,	400 00
Commissioner in relation to Cherokee Bonds,	190 00
Balance,	59,853 37
	$60,659 37

DR. CHARLES L. HINTON, *Public Treasurer,*

1845.		
Feb.	To Cash received as Interest on Bonds of the Wilmington and Raleigh Rail Road Company,	1,500 00
April.	" Cash received of Green Hill, being for sale of old Brick belonging to the State, sold by order of Board of Public Buildings,	5 50
	" Cash received of D W. Stone, Cashier of the Bank of Cape Fear, being a dividend of 3 per cent. on 10 shares of Stock held by the State in said Bank, unappropriated,	30 00
July.	" Cash received of the Treasurer of the Raleigh and Wilmington Rail Road Company, the interest for six months to the 1st July, on $50,000 of Bonds held by the State of North Carolina, and due 1st day January, 1845—-which Bonds were endorsed by the State, and first paid by the Public Treasurer,	1,500 00
	" Cash received of Gov. Graham, being the Proceeds of the Sales of Revised Statutes of North Carolina,	45 75
	" Cash received of A. H. Shuford, Sheriff of Catawba County, being in full of his Public Taxes due the State aforesaid, for the year 1844,	1,023 24
Aug.	" Cash received of Charles Dewey, Cashier of the Bank of the State, being a Tax on Stock, of twenty-five cents on each individual share of Stock held in said Bank,	2,243 25
	" Cash received of Charles Slover, President of the Merchant's Bank of Newbern, being 25 cents on 2250 shares of Stock in said Bank,	562 50
	" Cash received of sundry Sheriffs, being amount of Public Tax paid into the Treasury on account of Public Tax for 1844,	7,528 86

in account with the State of North Carolina. Cr.

1845			
Jan 20.	By balance due Public Treasurer, as Treasurer of Public Fund, on 20th January, 1845, as passed over to C. L. Hinton, Treasurer elect, by Jno. H. Wheeler, late Public Treasurer,	$102,388	80
	" By Disbursement from 21st January, 1845, to the 31st day of October, 1845, inclusive,	83,746	08
		$186,134	88

Dr. CHARLES L. HINTON, *Public Treasurer*,

1845			
Sept.	" Cash received of sundry Sheriffs, being amount of Public Tax paid into the Treasury for the Taxes of 1844,	70,672	25
	" Cash received of sundry Sheriffs on Additional Returns of Public Tax for 1844 and former years,	649	88
Oct.	" Cash received of Thos. H. Wright, Cashier of the Bank of Cape Fear, as a Tax on 9656 shares of Stock owned by individuals in said Bank,	2,389	00
	" Cash received of A. W. Richardson, being an additional Return of Public Tax for the year 1843,	7	53
	Balance due Public Treasurer Nov. 1, 1845,	97,977	12
		$186,134	88

RECAPITULATION OF RECEIPTS.

Interest on Wilmington and Raleigh Rail Road Bonds,	3,000	00
Green Hill, (for Brick about the Capitol,)	5	50
Bank Dividends, Bank Cape Fear,	30	00
Proceeds of the Sales of Revised Statutes,	45	75
Public Tax received from Sheriffs,	79,224	35
Bank Tax, Bank of the State,	2,243	25
Bank Tax, Bank of Newbern,	562	50
Public Tax received on Additional Returns by Sheriffs,	657	41
Bank Tax, Bank of Cape Fear,	2,389	00
	$88,157	76
Balance due Public Treasurer, 1st Nov. 1845,	97,977	12
	$186,134	88

in account with the State of North Carolina. CR.

1845		
Nov. 1.	By balance due Public Treasurer, as Treasurer of Public Fund, on the 1st day of November, 1845,	$97,977 12

RECAPITULATION OF DISBURSEMENTS.

By balance due Public Treas. Jan. 20, 1845,	$102,388 80
" Judiciary,	17,319 67
" Executive Department,	1,725 00
" Treasury "	1,500 00
" State "	600 00
" Comptroller's "	750 00
" Adjutant Gen. "	100 00
" State Librarian,	225 00
" Superintendant of Public Buildings,	195 00
" Council of State,	275 60
" Weights and Measures,	218 35
" Raleigh & Gaston R. R. Bonds, (Interest,)	26,310 00
" " " " (Principal)	23,000 00
" Public Library,	1,244 60
" Public Printing,	1,513 30
" Interest on State Loan,	1,450 00
" Post Office,	246 93
" Governor's House,	928 84
" Stationery Account,	231 70
" State Capitol,	11 00
" Premium on draft to pay Rail Road Int.	10 50
" General Assembly,	506 51
" Sheriffs for settling Public Tax,	1,243 00
" " making Returns of Cong'l. Elec.	715 66
" " " " Electoral Elec.	57 17
" " " " Senatorial Elec.	10 00
" Contingencies,	3,358 25
	$186,134 88

1845	JUDICIARY.	
Jan.	Paid Spier Whitaker, Attorney General, 4 certificates of $20 each	80 00
	" Spier Whitaker, Attorney General, attendance on Supreme Court,	100 00
March.	" E. B. Freeman, Clerk to the Supreme Court, being his half year's salary, and recording proceedings of said Court, also for Record Books,	874 10
	" J. T. C. Wiatt, Marshal to the Supreme Court, for 80 days' services, at $2 per day	160 00
	" Robt. Strange, Sol'tor, 1 certificate	20 00
April.	" Hon. Thomas Ruffin, Chief Justice, his first quarter salary as Judge of the Supreme Court,	625 00
	" Hon. Joseph J. Daniel, Judge of Supreme Court, his first quarter salary,	625 00
Ap'l.	" Hon. F. Nash, Judge of Supreme Court, his first quarter salary,	625 00
	" Burgess S. Gaither, Solicitor, 5 certificates,	100 00
	" Spier Whitaker, Attorney General, 6 certificates,	120 00
	" Hon. John L. Bailey, Judge of Superior Court, his half year's salary, 11 certificates,	975 00
	" David Outlaw, Solicitor, 2 certificates,	40 00
	" Cad. Jones, Solicitor, 2 certificates	40 00
	" A. C. Blount, do. pro tem. 1 do.	20 00
May.	" Hon. W. H. Battle, Judge, his half year's salary, 10 certificates,	975 00
	" Hon. M. E. Manly, Judge, his half year's salary, 9 certificates,	975 00
	" Hon. David F. Caldwell, his half year's salary as Judge, 10 certificates,	975 00
	" Hon. Thomas Settle, Judge, his half year's salary, 10 certificates,	975 00

1845		
May	" B. S Gaither, Solicitor, 5 certificates,	100 00
	" H. C. Jones, do. 11 do.	220 00
	" H. S. Clark, do. 7 do.	140 00
	" Robert Strange, do. 10 do.	200 00
June.	" Hon. John M. Dick, Judge, his half year's salary, omitting attendance on 1 County 9 certificates,	875 00
	" David Outlaw, Solicitor, 8 certificates,	160 00
	" Cad. Jones, do 9 do	180 00
	" James Iredell, Reporter to the Supreme Court, his half year's salary,	150 00
	" Turner & Hughes, for publishing, printing and distributing 101 copies of Supreme Court Reports, also extra copies for new Counties, and 3 for the University of North Carolina,	824 42
July.	" Hon. Thomas Ruffin, Chief Justice of the Supreme Court, his 2d quarter salary,	625 00
	" Hon. Joseph J. Daniel, Judge of Supreme Court, his 2d quarter salary,	625 00
	" Hon. F. Nash, Judge Supreme Court, his 2d quarter salary,	625 00
	" Hon. Jno. M. Dick, Superior Court Judge, holding extra term of Court for Northampton County,	100 00
	" Spier Whitaker, Attorney General, attendance on Supreme Court, Spring Term,	100 00
	" Spier Whitaker, Attorney General, 4 certificates,	80 00
	" Henry S. Clark, Solicitor, 2 certificates,	40 00
Aug.	Edm'd B. Freeman, Clerk of the Supreme Court, his half year's salary, and for recording and Record Books,	671 15
	" John T. C. Wiatt, Marshal, for his attendance on Supreme Court, at Spring Term, 1845,	150 00

1845		
Aug.	" Hon. R. M. Pearson, Judge of Superior Court of Law and Equity his half year's salary, 12 certificates,	975 00
	" Robt. Strange, Solicitor, 2 cert's,	40 00
Sept.	" do. do. do. 3 do.	60 00
	" Cad. Jones, do. 2 do.	40 00
	" John S. Hawks, do. 1 do.	20 00
Oct.	" Hon. Thomas Ruffin, Chief Justice, his 3d quarter salary,	625 00
	" Hon. Joseph J. Daniel, Judge of the Supreme Court, his 3d quarter salary,	625 00
	" Hon. F. Nash, Judge of the Supreme Court, his 3d quarter salary,	625 00
	" Spier Whitaker, Attorney General, 6 certificates,	120 00
	" John S. Hawks, Solicitor, 1 certificate,	20 00
	" B. S. Gaither, Solicitor, 5 certificates,	100 00
		$17,319 67

1845.	EXECUTIVE DEPARTMENT.	
April.	Paid Gov. Graham his first quarter salary,	500 00
	" Henry W. Graham, Private Secretary, his first quarter salary,	75 00
July.	" Gov. Graham his second quarter salary,	500 00
	" Henry W. Graham, Private Secretary, his second quarter salary,	75 00
Oct.	" Gov. Graham his third quarter salary,	500 00
	" H. W. Graham, Private Secretary, his third quarter salary,	75 00
		$1,725 00

1845		
	TREASURY DEPARTMENT.	
Jan.	Paid John H. Wheeler, late Public Treasurer, his salary from 31st Dec. to 20th Jan. inclusive,	82 19
	" William J. Clark, Clerk to Public Treasurer, from 31st Dec. 1844, to 20th Jan. 1845, inclusive,	27 39
April.	" C. L. Hinton, Public Treasurer, his first quarter salary,	292 81
	" S. Birdsall, Clerk, his first quarter salary,	97 61
July.	" C. L. Hinton, Public Treasurer, his second quarter salary,	375 00
	" S. Birdsall, Clerk, his second quarter salary,	125 00
Oct.	" C. L. Hinton, Public Treasurer, his third quarter salary,	375 00
	" S. Birdsall, Clerk to Public Treasurer, his third quarter salary,	125 00
		$1,500 00

1845.	STATE DEPARTMENT.	
April.	Paid William Hill, Secretary of State, his first quarter salary,	200 00
July.	" William Hill, Secretary of State, his second quarter salary,	200 00
Oct.	" William Hill, Secretary of State, his third quarter salary,	200 00
		$600 00

1845.	COMPTROLLER'S DEPARTMENT.	
April.	Paid W. F. Collins, Compt. his 1st q'r salary,	250 00
July.	" W. F. Collins, " 2d "	250 00
Oct.	" W. F. Collins, " 3d "	250 00
		$750 00

1845.	ADJUTANT GENERAL'S OFFICE.	
July.	Paid Robert W. Haywood, Adjutant General, his half year's salary,	$100 00

1845

STATE LIBRARIAN.

April.	Paid James F. Taylor, Librarian, his first quarter salary,	75 00
Oct.	" James F. Taylor, his second and third quarter salaries,	150 00
		$225 00

SUPERINTENDANT PUBLIC BUILDINGS.

1845.

April.	Paid Green Hill, his first quarter salary, as Superintendant Public Buildings,	65 00
July.	" Green Hill, second quarter salary,	65 00
Oct.	" Green Hill, third "	65 00
		$195 00

1845. COUNCIL OF STATE.

Feb'y.	Paid Councillors of State, convened by order of Governor Graham, to appoint Members of the Literary and Internal Improvement Boards,	99 00
March.	" Council of State, to defray expenses,	176 60
		$275 60

1845. WEIGHTS AND MEASURES.

March.	Paid Pryor Reynolds, being amount of sundry Bills paid by Gov. Morehead,	18 35
Oct.	" Thomas S. Kirkman, for delivering the Standard Measures of Capacity to the Clerks of the several County Courts of this State, agreeably to a contract with Gov. Morehead, in behalf of the State, dated 23d April, 1844,	200 00
		$218 35

INTEREST ON RALEIGH AND GASTON RAIL ROAD BONDS.

1845.					
Feb.	Paid Interest on Bonds of the Raleigh and Gaston Rail Road Company,				3,336 00
March.	"	Interest on Raleigh & Gaston R. R. Bonds,			675 00
April.	"	"	"	"	30 00
May.	"	"	"	"	60 00
June.	"	"	"	"	30 00
July.	"	"	"	"	14,325 00
Aug.	"	"	"	"	4,899 00
Sept.	"	"	"	"	2,460 00
Oct.	"	"	"	"	495 00
					$26,310 00

PRINCIPAL ON RALEIGH AND GASTON RAIL ROAD BONDS.

1845.					
Feb.	Paid Principal on Bonds of the Raleigh and Gaston Rail Road Company,				10,000 00
March.	"	Principal on Raleigh & Gaston R. R. Bonds,			5,000 00
April.	"	Principal	"	"	1,000 00
June.	"	Principal	"	"	6,000 00
July.	"	Principal	"	"	1,000 00
					$23,000 00

1845	PUBLIC LIBRARY.	
Feb.	Cash Paid for work done in State Library, by order of Judges of the Supreme Court,	8 50
March	" H. W. Graham, to be applied to the purchase of Books,	302 25
	" Pryor Reynolds for Gov. Morehead, being amount paid by him on sundry Bills against the State Library,	23 89
	" Turner & Hughes, for Books furnished the State Library,	42 00
April	" Israel E. James, Subscription to Southern Literary Messenger,	5 00
Aug.	" James F. Taylor, Subscription to the North American Review and Books for Library,	51 00

1845			
Oct.	"	Joseph Cogswell, for Books for Library,	705 25
	"	T. & J. W. Johnson, of Philadelphia, for Books,	106 71
			$1,244 60

PUBLIC PRINTING.

1845			
Feb.	Paid	Thomas Loring, for Printing Resolutions in relation to rebuilding Branch Mint at Charlotte, &c.	4 50
April	"	T. J. Lemay, printing Laws and Resolutions of the General Assembly, &c.	934 80
May	"	William W. Holden, for Advertising Proposals for Pub. Printing, and publishing Executive Proclamation,	6 25
	"	W. R. Gales, Printing for Executive Department,	82 25
	"	W. R. Gales, Printing sundry Blanks for Treasury Department,	28 00
	"	W. R. Gales, Advertising Proposals for Public Printing, and printing Journals of the Legislature of 1844–5,	453 90
July	"	Edward Hale, Editor of the Fayetteville Observer, publishing Governor's Proclamation,	3 60
			$1,513 30

INTEREST ON STATE LOAN.

1845			
July	Paid	David W. Stone, Cashier, being Interest for 5 months and 24 days on $50,000 loaned the State by the Cape Fear Bank at Raleigh, N. C.	1,450 00

1845		POST OFFICE.		
April	Paid Thos. G. Scott, P. M. his Postage Account against the Public Officers, as follows:			
		Governor's Office,	$58 95	
		Treasurer's "	12 74	
		Comptroller's "	8 29	
		Adj't. Gen'ls. "	3 71	82 69
June	" Wm. White, Postage Account against Governor, Treasurer, Comptroller, and Secretary of State,			79 56
July	" Wm. White P. M. his Postage Account against Governor, Treasurer, Comptroller, and Adjutant General's Office,			33 20
	" Col. Martin Huie, being postage paid on package of Military Commissions sent by Gov. Graham,			3 25
Sept.	" Wm. White, his postage account against the Public Officers,			22 87
Oct.	" Wm. White, Postage ac'nt against the Public Officers,			25 36
				$246 93

GOVERNOR'S HOUSE.

1845.	Furniture and Repairs.	
March.	Paid H. W. Graham part of appropriation to purchase Furniture for Government House, by Resolution of General Assembly,	755 62
	" Henry Patterson his bill of work done at the Governor's House, &c.	23 75
April.	" Charles Frazier, Painting,	30 20
May.	" W. F. Collins' bill of Lumber, furnished for repairs of Gov's House,	1 50
	" Wm. Ashley for work and materials on Governor's House,	23 00
Aug.	" Bill of Furniture for Governor's House,	30 00
	" J. E. Lumsden, Bill of Repairs in Governor's House,	2 85
Sept.	" Repairs of Governor's House,	19 38
Oct.	" Andrew Kevan and Brothers, Petersburg, Freight on Furniture, &c., for Governor's House,	42 54
		$928 84

1845

STATIONERY ACCOUNT.

July.	Paid Hogan & Thompson, of Philadelphia, their Bill of Stationery for the State,	158	05
Sept.	" Turner & Hughes, their Stationery Bill against the State, per Bill No. 244,	73	65
		$231	70

1845

STATE CAPITOL.

Sept.	Paid William E. Lee, for fitting Keys to two Locks in the Capitol,		50
Oct.	" Andrew Kevan & Brothers, Freight on Bell for the State,	7	50
May.	" Work done on Union Square,	3	00
		$11	00

PREMIUM ON RALEIGH AND GASTON RAIL ROAD BONDS.

1845

July.	Paid Charles Dewey, Cashier of the Bank of the State, being premium on Bonds of the Raleigh and Gaston Rail Road Company, payable in New York,	4	50
Feb.	" Premium on R. R. Bond, payable in New York,	6	00
		$10	50

1845

GENERAL ASSEMBLY.

Jan.	Paid Wm. Hill, Secretary of State, to pay sundry Bills of Expenses, (articles purchased for the use of the Legislature,)	74	81
	" Turner & Hughes, their Bill for articles furnished the General Assembly,	71	20
	" Joel McLean, being for one day's pay as Member of the Legislature,	3	00
Feb.	" Administrator of Jno. L. Foreman, balance due as Member of the Senate,	34	00
	" William Hill, Secretary of State, copying Resolutions and Acts of Assembly,	323	50
		$506	51

CONTINGENCIES.

1845			
Jan.	Paid Turner & Hughes, their Bill for Stationery furnished Public Officers,	37	84
	" William Stronach, for erecting a foot and head Stone at the grave of Ephraim Mann, member of the General Assembly,	23	04
Feb.	" Henry W. Graham, for A. W. Richardson, of Union County, for the services of himself and guard, (including Jail Fees,) bringing to justice B. McRea, a fugitive,	189	90
	" Jno. A. Averitt, Sheriff of Onslow County, being penalty remitted by Resolution of the General Assembly,	200	00
	" William C. Tucker, his Bill for Sperm Candles for the use of the State,	14	07
	" J. H. Kirkham, for Ventilator for old Supreme Court room,	2	50
March.	" Samuel Walters, including interest, being amount of an entered Tract of Land acquired by Treaty with the Cherokee Indians, which the State Commissioners afterwards sold,	30	70
	" Wm. Hill, Secretary of State, concerning Public Printing, under Act of Assembly, passed in 1836—7,	100	00
April.	" Adrian Van Bokkelin, storage and packing sundry Arms belonging to the State, deposited with him at different times by Gen. J. I. Pasteur, as per Resolution of the General Assembly,	500	00
	" Thomas Wilson, amount due him under Resolution of the General Assembly,	51	36

1845			
	" James Carter, Sheriff Yancy County, being expenses in going to Tennessee after fugitives from justice,	33	00
	" Wm. Hill, Secretary of State, for 82 bags, purchased to distribute the Laws and Journals to the different Counties in North Carolina,	15	20
May.	" John C. Palmer, making new Seal for the County of Buncombe,	12	00
	" Wilbourn R. Knight, for distributing Laws and Journals of the last Legislature,	72	80
	" William Chavers, for repairs of State Pump at Governor's Palace,	5	00
	" W. F. Collins, for Black Sand furnished Public Officers and Legislature,	6	00
	" William Ashley, for making stand, and moving the remains of the Statue of Washington, as per Resolution Gen. Assembly,	6	00
June.	" Henry Stanton, for National Flag, ordered by Resolution of the General Assembly to be purchased,	16	04
	" Raleigh & Gaston Rail Road Company, freight on old Bell to Petersburg,	9	45
	" Seth Jenks, distributing Laws and Journals of the Legislature of 1844–5,	65	00
	" Thomas W. Cash, apprehending and committing to Jail, Thomas Curtis, a fugitive from Justice in this State, in the year 1835, by a Resolution of General Assembly,	200	00
	" Stinson Whitaker in full, for Fire Wood furnished the Public Offices during the Winter of 1844–5,	222	60

1845		
July	Paid Robert W. Brown, Storage, Commission, Freight, &c. on Public Arms,	15 53
	" Thomas Jenkins, making and raising Flag Staff on the Capitol,	50 00
	" Thomas Thompson, hauling 9 Boxes of Public Arms from Goldsborough to Raleigh,	11 50
	" James Carter, State Agent, to receive four fugitives from Justice, demanded of the Governor of Tennessee by the Governor of North Carolina,	68 00
	" Thomas J. Anderson, for distributing Laws and Journals of General Assembly (passed in 1844–'45) in Nine Counties,	30 00
Aug.	" John C. Palmer, for making County Seal for McDowell	12 00
	" Will Hill, for copying a Law of South Carolina for Cad. Jones, Solicitor, and for Drayage, &c.	11 12
	" Hinton James, being amount of Interest allowed by the last Legislature to the Town of Wilmington,	1,126 45
Sept.	" John A. Jones, for distributing Laws and Journals of the last Legislature,	100 00
	" James G. Scott, for copying Letters of the early Governors,	50 00
	" William Hill, Secretary of State, for copying Laws of Va. for Cad. Jones, Solicitor,	20 40
Oct.	" James Puttick, making Rock Plat-form for the well in Union Square, including all materials,	47 75
	" Ruffin Tucker, drayage on two Bells,	3 00
		$3,358 25

SHERIFFS SETTLING TAX FOR 1845.

1845.				
July.	Paid Sheriff	Catawba County,	Settling Tax,	20 00
Aug.	"	Davidson	"	15 00
	"	Randolph	"	12 00
	"	Chatham	"	6 30
	"	Lenoir	"	11 00
	"	Wayne	"	8 20
	"	Bladen	"	12 60
	"	Greene	"	10 50
	"	Iredell	"	18 00
	"	Craven	"	15 00
	"	Warren	"	8 50
	"	Caswell	"	9 00
	"	Rockingham	"	10 50
	"	Cabarrus	"	17 00
	"	Cherokee	"	46 60
	"	Macon	"	38 60
	"	Henderson	"	32 00
	"	Haywood	"	36 80
	"	Buncombe	"	29 00
	"	Granville	"	7 50
	"	Ashe	"	23 00
	"	Onslow	"	16 50
	"	Edgecomb	"	8 70
	"	Lincoln	"	20 50
	"	Cleveland	"	23 80
	"	Richmond	"	13 00
	"	Beaufort	"	15 00
	"	Stokes	"	15 00
	"	Halifax	"	11 00
	"	Pasquotank	"	23 00
	"	Washington	"	18 00
	"	Union	"	18 00
	"	Nash	"	7 50
	"	Surry	"	17 90
	"	Stanly	"	16 40
	"	Montgomery	"	14 40
	"	Sampson	"	9 50
	"	Guilford	"	11 00
	"	Columbus	"	15 00
	"	Martin	"	12 80
	"	New Hanover	"	16 50
	"	Perquimons	"	21 00

1845				
Aug.	Paid Sheriff	Chowan	"	21 00
	"	Gates	"	18 50
	"	Northampton	"	14 70
	"	Anson	"	17 00
	"	Cumberland	"	9 40
	"	Robeson	"	12 20
	"	Orange	"	6 60
	"	Moore	"	8 50
	"	Tyrrell	"	23 00
	"	Jones	"	13 50
	"	Carteret	"	19 50
	"	Currituck	"	25 00
	"	Camden	"	23 00
	"	Mecklenburg	"	19 10
	"	Wilkes	"	21 00
	"	Rutherford	"	25 00
	"	Pitt	"	12 00
	"	Wake	"	3 00
	"	Yancy	"	29 50
	"	McDowell	"	25 50
	"	Caldwell	"	23 00
	"	Burke	"	23 80
	"	Hyde	"	26 20
	"	Davie	"	14 00
	"	Bertie	"	14 00
	"	Franklin	"	6 00
	"	Hertford	"	16 00
	"	Johnston	"	5 60
	"	Duplin	"	11 50
	"	Person	"	8 50
	"	Rowan	"	15 00
	"	Brunswick	"	28 80
				$1,243 00

ELECTORAL ELECTIONS.

1845.

Aug.	Paid Sheriff	Davidson	County making returns	22 50
	"	Wayne	"	11 17
	"	Bladen	"	18 50
Sept.	"	Cumberland	"	2 50
	"	Wilkes	"	2 50
				$57 17

SENATORIAL ELECTIONS.

1845.

Sept.	Paid Sheriff	Onslow	County making returns,	2 50
	"	Wilkes	"	7 50
				$10 00

CONGRESSIONAL ELECTIONS.

1845				
Aug.	Paid Sheriff	Davidson County	making returns,	10 83
	"	Wayne	"	12 50
	"	Bladen	"	9 16
	"	Randolph	"	9 16
	"	Chatham	"	9 16
	"	Lenoir	"	11 16
	"	Greene	"	12 50
Sept.	"	Iredell	"	5 50
	"	Craven	"	8 33
	"	Warren	"	5 50
	"	Caswell	"	19 16
	"	Rockingham	"	15 83
	"	Cabarrus	"	5 83
	"	Cherokee	"	22 23
	"	Macon	"	14 43
	"	Henderson	"	5 50
	"	Haywood	"	11 33
	"	Buncombe	"	2 50
	"	Brunswick	"	14 40
	"	Granville	"	4 50
	"	Ashe	"	12 50
	"	Onslow	"	10 83
	"	Edgecomb	"	11 66
	"	Lincoln	"	6 25
	"	Cleveland	"	13 33
	"	Richmond	"	8 33
	"	Beaufort	"	2 50
	"	Stokes	"	8 33
	"	Halifax	"	11 66
	"	Pasquotank	"	10 37
	"	Washington	"	8 00
	"	Nash	"	15 00
	"	Surry	"	4 83
	"	Stanly	"	5 86
	"	Montgomery	"	4 33
	"	Sampson	"	8 33
	"	Guilford	"	13 33
	"	Columbus	"	15 00
	"	Martin	"	13 15
	"	New Hanover	"	8 50
	"	Perquimans	"	6 66
	"	Chowan	"	7 50

1845				
Sept.	Paid Sheriff	Gates	"	3 00
	"	Northampton	"	9 62
	"	Anson	"	7 50
	"	Cumberland	"	7 83
	"	Robeson	"	14 16
	"	Orange	"	10 83
	"	Moore	"	10 00
	"	Tyrrell	"	15 83
	"	Jones	"	12 08
	"	Carteret	"	15 83
	"	Currituck	"	14 91
	"	Camden	"	19 91
	"	Mecklenburg	"	7 50
	"	Wilkes	"	8 83
	"	Rutherford	"	9 16
	"	Pitt	"	10 83
	"	Yancy	"	9 50
	"	Caldwell	"	15 16
	"	Burke	"	12 50
	"	Hyde	"	19 03
	"	Davie	"	5 83
	"	Bertie	"	9 16
	"	Franklin	"	8 33
	"	Hertford	"	5 25
	"	Johnston	"	6 66
	"	Duplin	"	6 16
	"	Person	"	10 00
	"	Wake	"	7 50
	"	Rowan	"	6 50
				$715 66

The foregoing Statement is founded on Returns and Vouchers filed in Comptroller's Office, Nov. 1, 1845.

WM. F. COLLINS,

Comptroller of Public Accounts.

COMPTROLLER'S OFFICE,
Nov. 1st, 1845.

A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the nett amount of that branch of the Revenue which is receivable by Sheriffs, for the year 1844.

Counties.	Sheriffs' Names.	Land Tax.	Town Property Tax.	Poll Tax.	Stud Horse Tax.	Gate Tax.	Store Tax.	Tavern Tax.	Pedlar's Tax.	Artificial Curiority Tax.	Natural Curiority Tax.	Negro Trader Tax.	Billiard Table Tax.	Amount due from Sheriffs.	Amount paid by Sheriffs.
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	D. C.	Dolls. Cts.	D. C.	Dolls. Cts.	D. C.	D. C.	D. C.	D. C.	Dolls. Cts.	Dolls. Cts.
Anson	1 George D. Bogan	513 82	16 70	579 42	10 81	4 70	129 72	15 04	18 80	-	-	-	-	1289 01	1289 01
Ashe	2 E. C. Bartlett	261 72	8 27	211 31	12 45	-	39 48	11 28	75 20	-	-	-	-	619 71	619 71
Bertie	3 Jno. Freeman	713 05	25 93	724 18	31 49	-	146 64	45 12	84 60	-	-	-	-	1771 01	1771 01
Burke	4 Jno. H. Pearson	283 88	-	212 25	2 82	-	75 20	37 60	37 60	-	-	-	-	649 53	649 53
Beaufort	5 Henry A. Ellison	327 14	131 07	560 62	9 40	9 40	516 06	165 44	47 00	28 20	-	-	-	1794 33	1794 33
Brunswick	6 James H. Allen	188 02	26	262 50	9 40	4 70	33 84	15 04	-	-	-	-	-	553 50	553 50
Buncombe	7 Pierce Roberts	418 97	26 14	255 46	24 44	-	62 04	15 04	56 40	-	-	-	-	868 49	868 49
Bladen	8 George W. Melvin	292 42	5 91	407 77	9 40	9 40	435 72	37 60	75 20	-	-	-	-	873 42	873 42
Caldwell	9 Elijah S. Moore	225 64	83	176 34	13 16	-	33 84	18 80	37 60	-	-	-	-	506 21	506 21
Camden	10 Enoch P. Daily	229 28	-	215 82	12 22	4 70	86 48	60 16	-	-	-	-	-	508 66	508 66
Carrituck	11 Samh. Sanders	240 56	-	266 58	4 70	-	37 60	37 60	56 40	-	-	-	-	643 44	643 44
Carteret	12 George Dill	127 50	20 64	213 19	-	-	107 16	45 12	18 80	-	-	-	-	532 41	532 41
Cumberland	13 Alex. Johnson	443 70	259 45	602 50	23 50	14 10	753 88	48 88	-	28 20	-	-	-	2234 60	2234 60
Chowan	14 Thomas S. Hoskins	366 29	67 08	379 01	3 29	-	136 30	37 60	-	28 20	-	-	-	1017 77	1017 77
Columbus	15 Joshua Williamson	168 15	3 58	172 21	7 05	-	22 56	22 56	37 60	-	-	-	-	373 71	373 71
Cleveland	16 Charles Blanton	243 01	85	272 22	19 74	-	69 56	30 08	-	-	-	-	-	634 46	634 46
Cherokee	17 Seth W. Hyatt	2 90	-	84 22	31 96	18 80	24 44	26 32	-	-	-	-	-	188 64	188 64
Cabarrus	18 C. N. White	399 13	16 64	395 55	27 26	-	67 68	7 52	56 40	-	-	-	-	970 18	970 18
Caswell	19 Jno. K. Brooks	561 44	58 01	557 30	29 14	-	161 68	56 40	18 80	28 20	-	-	-	1740 87	1740 89
Craven	20 F. J. Prentiss	279 66	299 66	583 93	9 40	-	825 32	101 52	-	28 20	-	470 00	20	2507 74	2507 74
Chatham	21 Jno. Harman	596 84	29 14	685 82	20 52	-	122 20	41 36	37 60	-	-	-	-	1533 48	1533 48
Catawba	22 A. H. Shuford	506 18	-	364 34	15 51	18 80	43 24	-	75 20	-	-	-	-	1023 24	1023 24
Davie	23 Wm. B. Meech	270 78	-	288 96	26 32	4 70	50 76	11 28	18 80	-	-	-	-	680 60	680 60
Duplin	24 Edward B. Hussey	545 72	3 92	489 55	12 69	-	116 56	45 12	178 60	28 20	-	-	-	1220 31	1220 31
Davidson	25 Burrell B. Roberts	539 01	20 13	490 87	32 03	-	99 64	3 76	37 60	-	-	-	-	1214 04	1214 04
Edgecomb	26 W. D. Petway	927 80	35 59	924 21	43 12	-	238 76	86 48	169 20	28 20	-	-	-	2455 36	2455 36
Franklin	27 Guston Perry	442 55	22 46	566 06	31 02	-	109 98	22 56	47 00	28 20	-	-	-	1263 83	1263 83
Gates	28 James R. Reddick	292 82	-	374 68	26 32	-	122 20	26 32	-	28 20	-	-	-	870 54	870 54
Guilford	29 James W. Dusk	701 07	94 91	589 57	33 37	-	235 00	11 28	18 80	-	-	9 40	-	1693 40	1693 04
Granville	30 Joseph H. Gooch	697 73	42 63	1071 98	62 98	-	223 72	41 36	75 20	28 20	-	-	-	2243 88	2243 88
Greene	31 Haywood Edmondson	301 29	4 80	222 29	27 26	-	31 99	33 84	75 20	-	-	-	-	796 58	796 58
Hyde	32 Israel Brooks,	300 45	-	241 20	-	9 40	58 28	41 36	18 80	-	-	-	-	669 49	669 49
Hertford	33 Abner J. Perry	322 00	31 72	356 26	-	-	161 68	15 04	18 80	28 20	-	-	-	933 70	933 70
Halifax	34 Wm. W. Brickell	938 66	38 84	886 80	34 78	23 50	174 84	60 16	75 20	28 20	-	-	-	2345 98	2235 98
Haywood	35 John B. Allison	163 34	5 56	112 80	17 39	-	35 72	3 76	18 80	-	-	-	-	357 37	357 37
Henderson	36 Joseph Livingston	271 03	-	147 39	11 14	4 70	26 32	15 04	56 40	-	-	-	-	532 02	532 02
Iredell	37 James F. Johnson	601 55	21 11	620 21	25 38	-	77 08	11 28	37 60	-	-	-	-	1294 21	1294 21
Jones	38 Risden McDaniel	272 04	5 09	203 76	4 70	-	22 56	18 80	18 80	28 20	-	-	-	683 95	683 95
Johnston	39 William S. Ballinger	445 65	16 84	506 47	5 64	-	24 44	18 80	94 00	-	-	-	-	1111 82	1111 82
Lincoln	40 Benjamin Morris	493 84	-	442 55	5 64	-	99 64	11 28	75 20	-	-	-	-	1128 15	1128 15
Lenoir	41 Richard W. King	298 57	5 84	386 34	-	-	41 36	26 32	75 20	28 20	-	-	-	861 83	861 83
McDowell	42 John M. Curtis	222 64	-	160 55	-	-	48 88	41 36	75 20	-	-	-	-	548 63	548 63
Mecklenburg	43 Thos. W. Alexander	606 62	58 36	679 43	21 15	-	195 52	37 60	37 60	-	-	-	-	1636 28	1636 28
Moore	44 William Wadsworth	221 73	2 57	272 41	29 32	-	56 40	37 60	18 80	-	-	-	-	635 83	635 83
Martin	45 A. S. Moring	299 47	14 18	337 27	10 34	-	139 12	60 16	61 10	-	-	-	-	921 65	921 65
Montgomery	46 Aaron B. Sanders	173 44	-	168 64	1 41	-	35 72	11 28	-	-	-	-	-	390 40	390 40
Macon	47 G. Dowdle	140 64	11 77	119 94	30 55	4 70	20 68	22 56	18 80	-	-	-	-	369 64	369 64
New Hanover	48 Owen Fennell	449 50	365 64	607 10	3 76	4 70	896 76	225 60	56 40	84 60	-	-	-	2778 06	2778 06
Northampton	49 Henry Joyce	617 14	8 84	659 32	5 64	4 70	105 28	41 36	56 40	28 20	-	-	-	1526 85	1526 85
Nash	50 Thos. J. A. Cooper	332 57	10 27	419 43	5 64	-	50 76	22 56	18 80	28 20	-	-	-	888 23	888 23
Onslow	51 George J. Ward	282 57	7 34	332 57	6 58	-	48 88	48 88	94 00	-	-	-	-	820 82	820 82
Orange	52 Jas. C. Turrentine	966 68	63 82	1109 01	42 30	-	206 80	60 16	112 80	28 20	-	-	-	2589 72	2589 72
Person	53 Hardy Walters	364 05	-	517 10	15 98	-	58 28	41 36	-	-	-	-	-	996 86	996 86
Pitt	54 Benj. M. Selby	553 54	29 84	589 19	8 46	-	112 80	79 96	79 95	28 20	-	-	-	1480 94	1480 94
Perquimons	55 Willis Bagley	366 78	17 66	324 11	22 56	9 40	86 48	11 28	18 80	28 20	-	-	-	885 27	885 27
Pasquotank	56 Joshua A. Pool	234 71	36 18	313 46	-	-	153 28	127 84	37 60	-	-	-	-	902 01	902 01
Rowan	57 Rich'd. W. Long	495 82	73 29	532 99	12 22	-	137 24	15 04	18 80	-	-	-	-	1305 40	1305 40
Rutherford	58 Wm. Wilkins	591 02	25 83	414 54	27 73	-	92 12	37 60	75 20	-	-	-	-	1174 22	1174 22
Robeson	59 Jno. A. Rowland	275 73	2 39	436 72	11 28	-	43 24	15 04	75 20	-	-	-	-	859 60	859 60
Richmond	60 Jno. C. Knight	337 76	5 62	461 54	18 80	9 40	58 28	94 00	75 20	-	-	-	-	1060 54	1060 54
Rockingham	61 Sam'l. Edwards	471 54	-	612 88	8 46	28 20	127 84	30 08	-	-	-	47 00	-	1326 00	1326 00
Randolph	62 Hezekiah Andrews	501 70	7 19	389 15	35 72	-	97 76	3 76	37 60	-	-	-	-	1063 87	1063 87
Sampson	63 Asa B. Chesnutt	390 35	10 49	521 70	23 97	-	50 40	37 60	75 20	28 20	-	-	-	1143 91	1143 91
Stanly	64 Edward W. Davis	179 24	-	125 90	8 70	4 70	18 80	11 28	37 60	-	-	-	-	456 22	456 22
Surry	65 Henry G. Hampton	435 22	3 28	376 00	5 64	-	77 08	7 52	37 60	-	-	-	-	942 31	942 31
Stokes	66 Jno. C. Hall	572 13	47 04	519 44	16 45	-	150 40	48 88	75 20	-	-	-	-	1430 44	1430 44
Tyrrell	67 John McCleece	156 77	-	181 80	-	-	28 20	15 04	37 60	-	-	-	-	419 41	419 41
Union	68 A. W. Richardson	293 20	49	288 02	23 03	-	41 36	37 60	-	-	-	-	-	683 70	683 70
Wake	69 James Edwards	849 92	172 34	1037 01	73 32	-	242 52	157 92	-	28 20	-	470 00	-	3031 23	3031 23
Wilkes	70 Abner Carmichael	254 99	9 05	208 30	1 41	-	28 20	7 52	18 80	-	-	-	70	528 27	526 27
Washington	71 Charles Latham	108 85	25 74	225 41	17 86	-	117 50	41 36	-	-	-	-	-	596 72	596 72
Warren	72 Joseph K. Jones	618 54	17 83	912 36	30 08	28 20	99 64	37 60	75 20	28 20	-	-	-	1847 45	1847 45
Wayne	73 Ollin Coor	606 02	13 43	498 39	30 08	-	60 16	63 92	94 00	28 20	-	-	-	1396 20	1396 20
Yancy	74 James Carter	172 64	-	111 85	15 04	-	16 92	3 76	-	-	-	-	-	320 21	320 21
		$28,972 58	2265 99	32,303 67	1,280 92	220 90	9,189 44	2914 00	3,261 85	733 20	-	56 40	940 00	82,138 31	82,138 31
Additional Returns for 1844 and former Years.															
Anson	1 Joseph White (late)	28 43	-	20 87	-	4 70	-	-	37 60	-	-	-	-	91 60	91 60
Beaufort	2 Allen Grist "	25 13	15 43	38 54	-	-	11 28	18 80	-	-	-	-	-	109 18	109 18
Cabarrus	3 L. B. Krimminger "	3 25	-	94	-	-	-	-	-	-	-	-	-	4 19	4 19
Chatham	4 Jno. Harman	6 92	-	4 20	-	-	-	-	-	28 20	-	-	-	38 65	38 65
Greene	5 H. Edmondson	1 67	32	9 82	-	-	-	-	-	-	-	-	-	4 81	4 81
Granville	6 Joseph H. Gooch	-	23	5 64	-	-	22 56	3 76	18 80	-	-	-	-	50 99	50 99
Hertford	7 R'd. G. Cowper (late)	20 18	1 90	6 77	-	-	-	-	-	-	-	-	-	28 85	28 85
Henderson	8 Robert Thomas "	37 15	-	3 38	-	-	-	-	-	-	-	-	-	40 55	40 55
Iredell	9 James F. Johnson	2 00	-	3 20	-	-	-	-	-	-	-	-	-	5 20	5 20
Lincoln	10 John R. Stamey (late)	157 10	-	-	-	-	-	-	-	-	-	-	-	157 10	157 10
Moore	11 Alex. Kelly "	6 68	-	3 95	-	-	-	-	-	-	-	-	-	10 63	10 63
Nash	12 Thos. J. A. Cooper	20 96	1 24	3 57	-	-	-	-	-	-	-	-	-	25 77	25 77
Perquimons	13 Nathan Bagly (late)	5 87	-	75	-	-	-	-	-	-	-	-	-	6 62	6 62
Pasquotank	14 Job Carver "	14 39	33 20	1 88	-	-	-	-	-	-	-	-	-	49 47	49 47
Rockingham	15 Martin Roberts "	5 78	-	3 95	-	18 80	-	-	-	-	-	-	-	28 53	28 53
Union	16 A. W. Richardson	3 77	-	3 76	-	-	-	-	-	-	-	-	-	7 53	7 53
Washington	17 Rob't. B. Davis	8 64	-	11 66	-	-	-	-	-	-	-	-	-	20 30	20 30
		$29,320 52	2,318 31	32,418 95	1,280 92	244 40	9,223 28	2936 56	3,318 25	751 40	-	56 40	940 00	82,818 28	82,818 28
							Deduct Tavern Tax belonging to the Literary Fund,							- -	2,936 56
														Amount of Public Tax, - -	$79,881 72

A Statement of the Revenue which is derived from duties imposed on Sales at Auction, and from the Banks of the State, for Tax on Stock, at one-fourth per cent. on each Share held by Individuals, for the Fiscal Year, 1844 & '45.

Auctioneer's Names.	County and Years.	Am't due from Auctioneers.	Am't p'd by Auctioneers
Archibald M. Campbell	Cumberland 1844 & '45	17 94	
Sam'l W. Tillinghast	" "	32 63	
Edward W. Wilkinge	" "	93 86	
Solomon S. Backus	Craven "	1 98	
Belcher Fuller	Carteret "	22	
William Dunn	Craven "	51 47	51 47
Joseph S. Fowler	" "	10 85	
M. M. Plunkett	Cabarrus "	2 78	2 78
R. G. Rankin	New Hanover "	385 07	385 07
Talcott Burr	" "	7 07	7 07
William L. Smith	" "	143 93	143 93
John C. Moore	Wake "	12 15	
William Peck	" "	12 71	12 71
S. S. Backus	Craven 1843 & '44	7 59	7 59
T. J. Mourey	Columbus 1844 & '45	4 49	4 49
Belcher Fuller	Carteret 1843 & '44	14	
		$784 84	$613 11

Revenue derived from Banks on Individual Bank Stock.

Banks.	Individual Shares	Am't due.	Am't paid.
Bank of the State,	8073	2,043 38	2,243 25
Bank of Newbern,	2250	562 50	562 50
Bank of Cape Fear,	6556	2,389 00	2,389 00
		$5,194 75	5,194 75

RECAPITULATION OF RECEIPTS.

PUBLIC FUND

Received from the following sources since Nov. 1, 1844.

Interest on Wilmington and Raleigh Rl Rd Bonds,	3,000 00
Green Hill fee Old Brick,	5 39
Bank Dividends, Bank Cape Fear,	60 00
Proceeds of the Sales of Revised Statutes,	45 75
Public Tax received from Sheriffs,	79,224 35
Bank Tax, Bank of the State,	2,243 25
Bank Tax, Bank of Newbern,	562 50
Bank Tax, Bank of Cape Fear,	2,389 00
Public Tax rec'd from Sheriffs on additional Returns,	657 41
Borrowed of Cape Fear B'k by Resolution Gen. Ass.	50,000 00
Rufus Reid, for Deaf, Dumb and Blind,	3 00
	$138,190 76
Disbursements from 1st Nov. 1844 to 31st Oct. 1845,	163,312 91
Balance due Public Treasurer, 1st day Nov. 1844,	76,264 97
	236,167 88
Balance due Public Treasurer 1st day Nov. 1845,	$97,977 12

LITERARY FUND.

Recapitulation of Receipts, from 1st day Nov. 1844 to 1st Nov. 1845.

Balance due President and Directors of Literary Fund 1st day of November, 1844,	64,329 40
Entries of Vacant Lands,	8,041 16
Bank Dividends, Bank of the State,	31,418 75
Bank Dividends, Bank Cape Fear,	31,392 00
Principal on loans by Literary Board,	7,468 61
Interest " "	6,383 88
Auction Tax,	615 11
Interest on loans by Internal Improvement Board,	662 17
Principal on Raleigh & Gaston Rail Road Bonds,	2,000 00
Interest " " "	2,238 60
Interest on Wilmington & Raleigh Rail Road Bonds,	8,220 00
Roanoke Navigation Company Dividends,	720 00
Cape Fear Navigation Company Dividends,	1,550 00
Retailers of Spirituous Liquors,	2,936 56
	176,575 64

Disbursements from 1st Nov. 1844 to 31st October, 1845, inclusive.

Common Schools,	61,466 91
Deaf and Dumb Institution,	2,040 28
Expenses of Members of Literary Board,	694 25
Printing done by order of Literary Board,	185 87
	64,362 51
Balance due Pres't. & Directors of Lit. Fund, 1st Nov. 1845,	$112,213 13

FUND FOR INTERNAL IMPROVEMENTS.

Recapitulation of Receipts from the 1st day of Nov. 1844, to 1st Nov. 1845.

Balance due President and Directors of Internal Improvement Board 1st November, 1844,	51,166 01
Cherokee Bonds, (Sale 1838,)	5,395 69
Cherokee Bonds, (Sale 1836,)	1,739 96
Bank Dividends, Bank Cape Fear,	702 00
Principal on Loans by Internal Improvement Board,	1,334 96
	$60,738 62

Disbursements from 1st Nov. 1844, to 1st Nov. 1845.

Expenses of Members of Internal Improvement Board, 1?? 25	
Clerks to Internal Improvement Board,	138 00
Survey of Western Turnpike Road,	400 00
Commissioners in relation to Cherokee Bonds,	130 00
	905 25
Balance due Fund for Int. Improvements, 1st day Nov. 1845,	$59,833 37
Amount due Pres't. & Directors of Lit. Fund,	112,213 13
Amount " " " of Int. Imp. Fund,	59,833 37
	172,046 50
Deduct amount due Pub. Treas. 1st day Nov. 1845,	97,977 12
This amount in hands of Pub. Treas. 1st day Nov. 1845,	$74,069 38

The foregoing Statement is a true exhibit of Returns and Vouchers on file in the Comptroller's Office, the 1st day November, 1845.

WM. F. COLLINS, *Comptroller.*

Comptroller's Office, November 1st, 1845.

REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

LEGISLATURE OF THE STATE,

SHOWING

THE RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

FISCAL YEAR, ENDING NOVEMBER 1st, 1846.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

COMPTROLLER'S OFFICE,
November 1, 1846.

To the Honorable, the General Assembly
of the State of North Carolina:

Gentlemen: An Act of the General Assembly, passed at the Session of 1836–37, "concerning the Comptroller," requires of that Officer that he shall, "immediately after the first day of November, in every year, prepare the account of the Public Treasurer with the State, as the same shall appear on the Books of his Office, for the year preceding the 1st day of November, stating the balance of money in the Treasury at the last settlement; the receipts into the Treasury within the year, particularizing the monies and accounts from which the same accrued and were received; the amount received from each respectively; and a particular statement of the disbursements from the Treasury within the same period, and the money remaining in the Treasury; and he shall annex a statement of the Revenue from each subject of Taxation in every County of the State."

In obedience to this requisition, I have the honor to submit the accompanying Report, exhibiting the transactions of the Treasury Department for the fiscal year ending Nov. 1st, 1846.

With very great respect,
Your obedient servant,
WM. F. COLLINS.

Dr. CHARLES L. HINTON, *Treasurer of Literary Fund*,

1845			
Nov. 1.	To balance due President and Directors of Literary Fund, on the 1st November, 1845,	$112,213	13
	" Cash received as entries of vacant land during this month,	358	95
	" Cash received Joseph Fowler, Auctioneer Craven county,	10	85
	" Cash received John C. Moore, Auctioneer Wake county,	12	05
	" Cash received Bank of Cape Fear, dividend No. 72, of 3 per cent. on 5322 shares of Stock held in said Bank by the President and Directors of the Literary Fund,	15,966	00
Dec.	" Cash received entries of vacant land during the month of December 1845,	1,292	09
1846			
Jan.	" Cash received entries of vacant land during the month of January 1846,	531	40
	" Cash received Edmund W. Wilkings, Auctioneer,	93	82
	" Cash received Samuel W. Tillinghast, Auctioneer,	32	63
	" Cash received S. S. Backus, Auctioneer,	1	98
	" Cash received Charles Dewey, Cashier, being dividend No 21 of four per cent. on 5027 shares of Stock held in the Bank of the State by the President and Directors of the Literary Fund,	20,108	00
	" Cash received on Bonds of the Raleigh & Gaston Rail Road Company, being interest collected on the same,	4,899	00
	" Cash received Governor Graham, President *ex officio* of the Literary Board, as principal on bonds made by said Board,	3,827	54
	" Cash received Governor Graham, President *ex officio* of the		

in Account with the President and Directors of Literary Fund, &c.

1845.				
Nov.	By Cash paid the following Counties for Common Schools:			
"	"	Davie County, March Div'd. 1845,		416 00
"	"	Rockingham do.		711 00
"	"	do. Sept. Div.		1,024 11
"	"	Davie County,	do.	603 18
"	"	Beaufort	do.	922 86
"	"	Anson	do.	1,144 35
"	"	Bladen	do.	588 28
"	"	Cabarrus	do.	740 89
"	"	Caswell	do.	1,051 24
"	"	Craven	do.	985 13
"	"	Cumberland	do.	1,159 45
"	"	Currituck	do.	518 06
"	"	Cleveland	do.	585 35
"	"	Guilford	do.	1,600 36
"	"	Granville	do.	1,353 88
"	"	Greene	do.	478 38
"	"	Haywood	do.	427 76
"	"	Halifax	do.	1,157 72
"	"	Iredell	do.	1,254 31
"	"	Jones	do.	337 98
"	"	Lenoir	do.	541 40
"	"	Martin	do.	575 17
"	"	Montgomery	do.	449 18
"	"	Mecklenburg	do.	1,390 13
"	"	New Hanover	do.	950 12
"	"	Onslow	do.	618 22
"	"	Person	do.	710 25
"	"	Pasquotank	do.	655 74
"	"	Pitt	do.	843 60
"	"	Perquimons	do.	544 07
"	"	Randolph	do.	1,087 04
"	"	Rutherford	do.	1,112 82
"	"	Sampson	do.	917 09
"	"	Henderson	do.	437 06
"	"	Chatham	do.	1,246 51
"	"	Northampton	do.	941 92
"	"	McDowell	do.	410 48
By Cash paid Thos. W. Atkinson, for publishing order from Literary Board, relative to distribution of Common School Fund,				25 00

Dr. CHARLES L. HINTON, *Treasurer of Literary Fund,*

1846			
Jan.	Literary Board, as interest on loans made by said Board,	3,636	41
Feb.	" Cash received entries of vacant land this month,	761	31
March.	" Cash received entries of vacant land this month,	642	90
	" Cash received Gov. Graham, President *ex officio* of the Literary Board, as principal on loans by the Literary Board,	2,913	51
	" Cash received Gov. Graham, President *ex officio* of the Literary Board, as interest on loans made by the Literary Board,	2,480	39
	" Cash received Edmund B. Freeman, Clerk of the Supreme Court of North Carolina, being amount paid by Geo. McNeill, agent of the Cape Fear Navigation company, pursuant decree of June term of said Court, at the instance of the Attorney General,	608	81
	" Cash received George McNeill, Agent of the Cape Fear Navigation Company, being dividend 23 on stock held in said Company by the President and Directors of the Literary Fund,	650	00
April.	" Cash received, entries of Vacant Land this month,	449	51
May.	" Cash received, entries of Vacant Land this month,	334	59
	" Cash received, Cashier of the Bank of Cape Fear, being a dividend of 3 per cent. declared on 5322 shares of stock held in said Bank by the President and Directors of Literary Fund,	15,966	00
	" Cash received, George McNeill, Agent for the Cape Fear Navigation Company, being dividends No. 24 and 25, declared on stock held in the said Company by		

in Account with the President and Directors of Literary Fund, Cr.

1845.				
Dec'r.	By	Cash paid Wm. W. Holden, printing by order of the Literary Board,		24 75
	"	Cash paid R. L. Myers, Engineer, for surveying and travelling expenses as member of the Literary Board,		46 45
	"	Cash paid R. L. Myers, monies advanced by him, and for services rendered on account of Swamp Lands,		95 05
	"	Cash paid expenses of members of the Literary Board, from 1st January, 1845, to 6th October, 1845,		192 00
	"	Cash paid William D. Cooke, in further part of appropriation by the General Assembly for the Education of Deaf and Dumb,		500 00
Dec'r.	"	Cash paid Macon County, Sept. Div'd. 1845,		417 04
	"	"	Camden do.	441 43
	"	"	Ashe do.	493 08
	"	"	Gates do.	642 56
	"	"	Chowan do.	462 79
	"	"	Nash do.	668 79
	"	"	Warren do.	852 54
	"	"	Cherokee do.	288 62
	"	"	Carteret do.	534 90
	"	"	Lincoln do.	5,664 10
	"	"	Warren, March Div.	589 00
	"	"	Gates do.	372 00
	"	Cash paid expenses of the members of the Literary Board, from 1st Oct. to 31st Dec. 1845,		180 00
	"	Cash paid Weston R. Gales, printing by order of the Literary Board,		23 00
	"	Cash paid Thomas J. Lemay, printing by order of the Literary Board,		21 25
	"	Cash paid Editor of the Newbernian, printing by order of the Literary Board,		10 00

1846		
May.	the President and Directors of the Literary Fund,	1,300 00
June.	To Cash received entries of vacant land this month,	157 84
	" Cash received Charles Dewey, Cashier of the Bank of the State, being dividend of 3 1-4 per cent. declared on 5027 shares of Stock held in said Bank by the President and Directors of the Literary Fund, Dividend No. 22,	16,337 75
July.	" Cash received entries of vacant land this month,	135 02
	" Cash received Governor Graham, President *ex officio* of the Literary Board, being interest on Bonds of the Wilmington & Raleigh Rail Road Company, guaranteed by the State and held by the Literary Board,	4,110 00
	" Cash received Andrew Joyner, President of the Roanoke Navigation company, being dividend of 1 3-4 per cent. declared on 500 shares of Stock held in said company by the President and Directors of the Literary Fund, Dividend No. 14,	875 00
Aug.	" Cash received entries of vacant land this month,	83 33
	" Cash received Tavern tax from Sheriffs,	304 56
Sept.	" Cash received Tavern tax from Sheriffs,	2,682 96
	" Cash received entries of vacant land this month,	352 51
	" Cash received Gov. Graham, President *ex officio* of Literary Board, as principal on loans by the Literary Board,	5,550 66
	" Cash received Gov. Graham, President *ex officio* of the Literary Board, interest on loans made by the Literary Board,	2,201 19

in account with the President and Directors of Literary Fund, Cr.

1846.			
Jan'y.	By Cash paid Bertie County, Common Schools, March dividend,	579	00
	" Cash paid Yancy do.	358	00
	" " Bertie, Sept. div.	838	63
	" " Buncombe do.	849	71
	" " Columbus do.	279	34
	" " Caldwell do.	441	58
	" " Davidson do.	1,200	92
	" " Hertford do.	544	63
	" " Yancy do.	518	06
	" " Catawba do.	900	46
	" " Stokes do.	1,341	96
	" " Stanly do.	416	10
	" Cash paid William D. Cooke, being in part of his services as Principal of the Deaf and Dumb Institution.	150	00
	" Cash paid Henry Brown, for making stands for Slates for Deaf and Dumb Institution.	36	50
	" Cash paid William D. Cooke, to pay for Slates for the School,	30	04
Feb'y.	" Cash paid Currituck County, Common Schools, Sept. div. 1845,	389	77
	" Cash paid Duplin do.	822	64
	" " Moore do.	654	14
	" " Richmond do.	659	81
	" " Surry do.	1,268	71
	" " Wilkes, do.	975	71
	" Cash paid William D. Cooke, price of sundry Maps for the use of Deaf and Dumb,	21	25
March.	" Cash paid Burke County, Common Schools, Sept. div. 1844,	490	75
	" Cash paid Jones do.	302	40
	" " " March do. 1845,	233	00
April.	" Cash paid William D. Cooke, Principal of the Deaf and Dumb Institution, in part pay for board and tuition of 15 pupils,	900	00
	" Cash paid S. G. Howe, of Boston, expenses incurred by him for furniture ordered for the		

Dr. CHARLES L. HINTON, *Treasurer of Literary Fund.*

1846.			
Sept.	To Cash received Gov. Graham, President *ex officio* of the Literary Board, as interest on loans made by the Internal Improvement Board applied to Literary Fund,	733	42
	" Cash received Gov. Graham, President *ex officio* of the Literary Board as interest on the Bonds of the Raleigh & Gaston Rail Road company. endorsed by the State and held by the Literary Board,	4,899	00
	" Cash received Gov. Graham, President *ex officio* of the Literary Board, being amount received from the county of Orange for the Deaf and Dumb Mutes	41	25
Oct.	" Cash received entries of vacant land during this month,	347	61
	" Cash rec'd. William Dunn, Auc't.	54	53
	" " W. J. Smith & Co. "	89	89
	" " J. B. Northam, "	17	67
	" " R. G. Rankin, "	238	74
	" " Henry J. Green, "		30
	" " Talcott Burr, "	41	16
	" " Joseph J. Fowler, "	21	18
	" " E. W. Wilkings, "	147	77
	" " S. W. Tillinghast, "	59	26
	" " John A. Lee, "		99
	" " William Peck, "	26	24
	" " John C. Moore, "	21	89
	" " N. B. Hughes, "	22	77
		$228,645	37

1846.			
	Blind in this State, and subsequently re-sold,		126 25
April.	" Cash paid Moore County, Common Schools, March div. 1845,		452 00
	" Cash paid Burke County, Common Schools, Sept. div. 1845,		546 46
	" Cash paid Anson County, Common Schools, March div. 1846,		792 00
	" Cash paid Cumberland	do.	802 00
	" " Granville	do.	937 00
	" " Guilford	do.	1,107 00
	" " Johnston	do.	562 00
	" " New Hanover	do.	658 00
	" Cash paid expenses of the members of Literary Board, quarter ending 31st March, 1846,		156 00
	" Cash paid Charles Manly, Attorney's fees due him on suits brought by him for the Literary Board,		115 00
May.	" Cash paid William D. Cooke, Principal of Deaf and Dumb Institution, being part of his compensation for the education of the Deaf and Dumb,		500 00
	" Cash paid Beaufort County, Common Schools,		637 00
	" " Brunswick	do.	271 00
	" " Carteret	do.	369 00
	" " Cherokee	do.	212 00
	" " Hyde	do.	341 00
	" " Macon	do.	289 00
	" " Nash	do.	462 00
	" " Orange	do.	1,317 00
	" " Randolph	do.	753 00
	" " Tyrrell	do.	361 00
	" " Rutherford	do.	831 00
	" " Sampson	do.	635 00
	" " Warren	do.	589 00
	" " Washington	do.	236 00
	" " Wayne	do.	576 00
	" " Bladen	do.	407 00
	" " Burke	do.	378 00
	" " Caswell	do.	725 00

DR. CHARLES L. HINTON, *Treasurer of Literary Fund*,

Amount brought forward,	$228,645 37

in Account with the President and Directors of Literary Fund, Cr.

1846.				
May.	By Cash paid Cleveland County, Common Schools,			405 00
	" "	Craven	do.	682 00
	" "	Currituck	do.	358 00
	" "	Franklin	do.	541 00
	" "	Greene	do.	330 00
	" "	Hertford	do.	377 00
	" "	Lenoir	do.	375 00
	" "	McDowell	do.	280 00
	" "	Mecklenburg	do.	962 00
	" "	Northampton	do.	652 00
	" "	Onslow	do.	393 00
	" "	Pasquotank	do.	453 00
	" "	Pitt	do.	583 00
	" "	Wake	do.	1,095 00
	" "	Chatham	do.	863 00
	" "	Martin	do.	398 00
June.	" "	Ashe	do.	444 40
	" "	Buncombe	do.	586 00
	" "	Chowan	do.	319 00
	" "	Iredell	do.	867 00
	" "	Montgomery	do.	310 00
	" "	Stanly	do.	288 00
	" "	Person	do.	493 00
	" "	Cabarrus	do.	513 00
	" Cash paid Dr. S. G. Howe, being balance due him for Furniture for Deaf and Dumb School,			31 68
	" Cash paid Wm. S. Mayhew, printing for Literary Board,			1 50
July.	" Cash paid expenses of members of the Literary Board, from 1st April to 17th July, 1846,			108 00
	" Cash paid Haywood County, Common Schools,			298 00
	" "	Jones	do.	233 00
Aug.	" "	Catawba	do.	622 50
	" "	Halifax	do.	800 00
	" "	Surry	do.	878 00
	" "	Richmond	do.	440 00
	" Cash paid William D. Cooke, Principal of Deaf and Dumb Institution, being further part of			

Dr. CHARLES L. HINTON, *Treasurer of Literary Fund*,

	Amount brought forward,	$228,645 37
1846.		
Nov. 1.	To balance due President and Directors, Literary Fund, 1st Nov. 1846,	$127,319 63

WM. F. COLLINS, *Compt.*

in Account with the President and Directors of Literary Fund, Cr.

1846.			
	his compensation for education, &c. of Deaf and Dumb,		1,200 00
Oct.	To Cash paid expenses of the members of the Literary Board, from 17th July to 3d Oct. 1846,		120 00
	" Cash paid Columbus County, Common Schools, Sept. div. 1846,		215 00
	" Cash paid Perquimans do.		378 00
	" " Yancy, Ap'l. div. 1846,		358 00
	" " Craven, Sept. do.		946 59
	" " Cumberland do.		1,113 64
	" " Franklin do.		750 51
	" " Guilford do.		1,537 26
	" " Martin do.		552 38
	" " Pasquotank do.		627 62
	" " Person do.		683 16
	" " Wake do.		1,520 03
	" " Washington do.		325 30
			$101,325 73
	Balance,		127,319 63
			$228,645 36

Dr. Charles L. Hinton, *Treasurer of Literary Fund*,

RECAPITULATION OF RECEIPTS.

Balance on hand 1st Nov. 1845,	$112,213 43
Entries of vacant Land,	5,447 06
Auction Tax,	893 72
Principal on Loans by Literary Board,	12,291 71
Interest on " " "	8,317 99
" " Internal Improvement Board,	733 42
Bank Dividends, Cape Fear,	31,932 00
" State,	36,445 75
Interest on Raleigh and Gaston Rail Road Bonds,	9,798 00
Interest on Wilmington and Raleigh Rail Road Bonds,	4,110 00
Cape Fear Navigation Company,	2,558 81
Roanoke " "	875 00
Tavern Tax, received from Sheriffs,	2,987 52
Orange County, Deaf and Dumb,	41 25
	$228,645 36

1846.

Nov. 1. To Balance, $127 319 63

in account with the President and Directors of Literary Fund, Cr.

RECAPITULATION OF DISBURSEMENTS.

Common Schools,	$96,712 01
Expenses of the Literary Board,	266 95
" Members Literary Board,	756 00
Deaf and Dumb Institution,	3,495 72
Swamp Lands,	95 05
Balance,	127,319 63
	$228,645 36

DR. CHARLES L. HINTON, *Treasurer of Int. Impt. Fund,*

1845.			
Nov. 1.	To balance due President and Directors of the Internal Improvement Fund on the 1st day of November, 1845,	59,853	37
	" Cash received of the Bank of Cape Fear, being dividend No. 72 of 3 per cent. declared on 322 shares of capital stock held in said Bank by the President and Directors of Internal Improvement Fund,	336	00
Dec.	" Cash received of James Calloway, being part of 4th instalment for purchase of section No. 7, in district No. 9, Cherokee Lands, sale of 1838,	38	62
	" Cash received of James Calloway, being in full of the 4th instalment for section No. 8, in district No. 9, Cherokee Lands, sale of 1838,	5	55
	" Cash received of James Calloway, being in full of the 3d instalment for tract No. 8, in district No. 9, Cherokee Lands, sale of 1838,	5	83
	" Cash received of Jacob Siler, agent for the collection of Cherokee Bonds, sale of 1838,	4,306	76
	" Cash received of Michael Francis, Attorney for the collection of Cherokee Bonds, sale of 1836,	125	00
1846.			
Jan'y.	" Cash received of S. Enloe and others, being in full of the balance of the purchase money for section No. 18, in district No. 8, of Cherokee Lands, sale of 1836,	36	85
Feb'y.	" Cash received of Jacob Siler, agent for the collection of Cherokee Bonds, sale of 1838,	250	00
April.	" Cash received of Jacob Siler, agent for the collection of Cherokee Bonds, sale of 1838,	4,011	00

in Account with the President and Directors of Int. Imp. Fund, Cr.

1845.			
Nov.	By Cash paid Jacob Siler, agent for the collection of Cherokee Bonds, being his compensation under act of assembly, passed at the session of 1844–5,	204	80
	" Cash paid members of Internal Improvement Board, for attending a meeting of the stock-holders of the Wilmington & Raleigh Rail Road company,	82	25
1846.			
Jan.	" Cash paid Michael Francis, attorney, for attending to certain suits as mentioned in report of Committee on Claims, and directed by last Legislature, ratified 7th January, 1845,	75	00
Sept.	" Cash paid S. Birdsall, Clerk to the Board of Internal Improvement,	159	00
	" Cash paid members of the Board of Internal Improvement,	43	00
		$564	05

DR. CHARLES L. HINTON, *Treasurer of Int. Impt. Fund,*

1846		
May.	To Cash received of Bank of Cape Fear, being dividend No. 73 of 3 per cent. declared on 112 shares of stock held in said Bank by the President and Directors of Internal Improvement Fund,	336 00
June.	" Cash received of Jacob Siler, agent for collection of Cherokee Bonds, sale 1838,	1,014 83
July.	" Cash received of Jacob Siler, agent for collection of Cherokee Bonds, sale of 1838,	850 00
Sept.	" Cash received of Gov. Graham, President *ex officio* of the Board of Internal Improvements, being principal on loans made by said Board,	1,760 58
Oct.	" Cash received of Jacob Siler, agent of the State for the collection of Cherokee Bonds, given at the sale of 1838,	1,578 00
		$74,508 39

1846.
Nov. 1. To balance due President and Directors of Internal Improvement Fund, $73,944 34

WM. F. COLLINS, *Compt. P. A.*

in Account with the President and Directors of Int. Impt. Fund, Cr.

Amount brought forward,	$564 05
Balance,	73,944 34
	$74,508 39

DR. CHARLES L. HINTON, *Treasurer of Int. Impt. Fund,*

RECAPITULATION OF RECEIPTS.

Cherokee Bonds, (Sale 1838,)	$12,060 59
" " " 1836,	161 85
Bank Dividends, Cape Fear Bank,	672 00
Principal on loans by Internal Improvement Board,	1,760 58
Add balance in hand 1st Nov. 1845,	59,853 37
	$74,508 39

in Account with the President and Directors of Int. Impt. Fund, Cr.

RECAPITULATION OF DISBURSEMENTS.

Jacob Siler, agent on Cherokee Bonds,	$204 80
Michael Francis, per Resolution,	75 00
S. Birdsall, Clerk,	159 00
Members of Internal Improvement Board,	125 25
Balance,	73,944 34
	$74,508 39

DR. CHARLES L. HINTON, *Public Treasurer, in Account*

1845.			
Nov.	To Cash received Bank Cape Fear, being a dividend of 3 per cent. declared on 10 shares of Stock held in said Bank unappropriated,	$30	00
	" Cash received Thomas N. Alexander, Sheriff Mecklenburg county, additional return of public tax for 1842-3,	20	68
	" Cash received George Reeves, late Sheriff of Ashe, additional return public tax for the year 1843,	6	95
Dec.	" Cash received P. McGowan being for the purchase of a lot of Iron chisels belonging to the State,	3	35
1846.			
March.	" Cash received Tresurer of the Wilmington and Raleigh Rail Road Company, being interest on fifty thousand dollars of bonds taken up by State due 1st day January 1846,	1,500	00
	" Cash received R. M. Saunders, being in full for his note given for the purchase of old Treasury office,	201	00
April	" Cash received William Boylan, President of the Raleigh and Gaston Rail Road Company, being in part of the earnings of the Road prior to the sale of said Road by the State and in pursuance of an order of the Court of Equity of Wake Co.	2,000	00
May.	" Cash received Wm. H. Jones, Cashier of the Bank of Cape Fear, being dividend No. 73 of 3 per cent. declared on 10 shares of Stock held in said Bank by the State of North Carolina unappropriated,	30	00
	" Cash received Bank of the State, being amount borrowed of said		

1845.			
Nov. 1.	By balance due Public Treasurer 1st day November, 1845,	$97,977	12
	" Disbursements from 1st day November, 1845, to 31st day October, 1846, inclusive,	131,983	33
		$229,960	45

1846.			
	Bank to pay the demands upon the Treasury,	9,847	12
	To Cash received Henry D. Turner, Book Seller, being amount of a balance due the State on sales of Revised Statutes,	861	60
July.	" Cash received Treasurer of the Wilmington and Raleigh Rail Road Company, being interest of six months due on part interest on Fifty Thousand Dollars of Bonds of said Company, taken up by the State,	1,500	00
	" Cash received W. W. Vass, Treasurer of the Raleigh and Gaston Rail Road, in part of the profits arising from the business of said Road up to the 1st day of June,	7,200	00
Aug.	" Cash received sundry Sheriffs, as Public Tax for the year 1845,	11,219	01
	" Cash received sundry Sheriffs, on additional returns of Public Tax, prior to 1845,	34	45
	" Cash received Cashier of the Merchants' Bank of Newbern, being Tax of 1-4 per cent. on individual stock held in said Bank,	562	50
Sept.	" Cash received sundry Sheriffs, as Public Tax due for the year 1845, and paid in 1846,	69,454	47
	" Cash received sundry Sheriffs, Public Tax on additional returns for 1844,	227	49
	" Cash received William Boylan, President of the Raleigh and Gaston Rail Road Company, in part of the earnings of said Road prior to the sale of said Road by the State, by decree of the Court of Equity of Wake County,	600	00
Oct.	" Cash received W. H. Jones, Cashier of the Bank of Cape		

Amount brought forward,	$229,960 45

	Fear, being 1-4 per cent. Tax on individual stock held in said Bank,	2,389 00
To	Cash received James Puttick, being amount received on sales of Rock taken from the State quarry,	54 50
"	Cash received Joseph Barnard, being balance on Bell,	67 84
	Amount received since 1st Nov. 1845,	$107,809 96
	Balance due Pub. Treas. " " 1846,	122,150 49
		$229,960 45

	Amount brought forward,	$229,960 45

1846.

Nov. 1. By balance due Public Treasurer on the 1st day, November, 1846, $122,150 49

WM. F. COLLINS, *Compt.*

COMPTROLLER'S OFFICE,
Raleigh, N. C.

DR. CHARLES L. HINTON, *Public Treasurer, in Account*

RECAPITULATION

Of Receipts into the Public Fund from 1st day November, 1845, to 31st day October, 1846, inclusive.

RECEIPTS.

Bank Dividend Bank Cape Fear,	$60 00
Bank Tax, do.	2,389 00
Interest on Wilmington and Raleigh Rail Road Bonds,	3,000 00
Raleigh and Gaston Rail Road Company,	2,600 00
Raleigh and Gaston Rail Road Profits,	7,200 00
Public Tax received from Sheriffs, 1845,	80,673 48
Additional Returns do. 1844-5,	289 57
Patrick McGowen,	3 35
James Puttick,	67 84
R. M. Saunders,	201 00
Revised Statutes,	861 60
State Loan,	9,847 12
Bank Tax, Merchant's Bank of Newbern,	562 50
Joseph Barnard,	54 50
	$107,809 96

RECAPITULATION

Of Disbursements from Public Fund, from 1st day Nov. 1845, to 31st day Oct. 1846, inclusive.

DISBURSEMENTS.

Judiciary,	$29,674 04
Pensioners,	232 50
Governor's House,	142 20
Post Office,	181 86
Public Printing,	837 12
Interest on Raleigh and Gaston Rail Road Company Bonds,	45,015 00
Principal do. do. do.	30,000 00
Executive Department,	2,225 00
Treasury do.	2,000 00
State do.	800 00
Comptroller's do.	1,000 00
Adjutant General's Office,	200 00
State Librarian,	300 00
Superintendant Public Buildings,	260 00
Interest on State Loan,	3,028 68
Public Library,	707 48
Stationary Account,	566 55
State Capitol,	122 75
State Loan,	10,000 00
Insolvent Polls,	139 00
Governor's Election,	1,188 00
Sheriffs, for settling Public Tax, 1846,	1,242 42
Senatorial Elections,	230 43
Contingencies,	1,890 30
	$131,983 33
Add balance due 1st Nov. 1845,	97,977 12
	$229,960 45
Deduct Receipts,	107,809 96
Balance due Pub. Treas. 1st Nov. 1846,	$122,150 49

WM. F. COLLINS, *Compt. P. A.*

DISBURSEMENTS

At the Public Treasury, from 1st day Nov. 1845, to 31st Oct. 1846.

JUDICIARY.

1845.			
Nov.	Paid	Judiciary as follows, viz:	
	"	Hon R. M. Pearson, Judge, his half year's salary, 11 certificates,	$975 00
	"	Hon. Wm. H. Battle, Judge, his half year's salary, 10 certificates,	975 00
	"	Hon. M. E. Manly, Judge, his half year's salary, 10 certificates,	975 00
	"	Cad. Jones, Jr. Solicitor, 8 certificates,	160 00
	"	H. C. Jones, Solicitor, 11 certificates,	220 00
	"	David Outlaw, Solicitor, 9 certificates,	180 00
	"	Robert Strange, Solicitor, 10 certificates,	200 00
	"	Turner & Hughes, printing, publishing, and distributing, 101 copies of Supreme Court Reports, June Term, 1845; also, for extra copies for new Counties and University,	1,028 94
	"	James Iredell, Reporter to the Supreme Court, his half year's salary,	150 00
	"	H. A. Gilliam, Solicitor *pro tem.* 1 certificate,	20 00
	"	John S. Hawks, Solicitor, 3 certificates,	60 00
Dec.	"	Hon. John L. Bailey, Judge, his half year's salary, 11 certificates,	975 00
	"	B. S. Gaither, Solicitor, 6 certificates,	120 00
	"	John S. Hawks, Solicitor, 1 certificate,	20 00

1846.			
Jan.	Paid Hon. Thomas Ruffin, his 4th quarter salary as Judge of Supreme Court,	625	00
	" Hon. Joseph J. Daniel, his 4th quarter salary, as Judge of Supreme Court,	625	00
	" Hon. F. Nash, his 4th quarter salary, as Judge of Supreme Court,	625	00
	" Hon. D. F. Caldwell, Judge, his half year's salary, 12 certificates,	975	00
	" Hon. Thomas Settle, Judge, holding special term of Court for Wake County,	90	00
	" Spier Whitaker, Att'y. Gen'l. attending Supreme Court, June Term, 1845,	100	00
	" Spier Whitaker, Att'y. Gen'l. 3 certificates,	60	00
	" Perrin Busbee, Solicitor *pro tem.* 1 certificate,	20	00
Feb'y.	" Jno. S. Hawks, Solicitor, 4 certificates,	80	00
March.	" Hon. Jno. M. Dick, Judge, his half year's salary, 10 certificates,	975	00
	" Hon. Thomas Settle, Judge, his half year's salary, 10 certificates.	975	00
	" Cad. Jones, Jr. Solicitor, 2 certificates,	40	00
	" Edmund B. Freeman, Clerk to the Supreme Court, his half year's salary, including recording and Record Books,	676	80
	" Jno. T. C. Wiatt, Marshal to the Supreme Court, for 71 days attendance on said Court at June Term, 1845; also, for 9 days for December Term, being an omission,	160	00
April.	" Hon. Thomas Ruffin, Chief Justice to Supreme Court, his 1st quarter salary,	625	00

1846.			
April.	Paid	Hon. F. Nash, Judge of Supreme Court, his 1st quarter salary,	625 00
	"	Hon. Joseph J. Daniel. Judge of Supreme Court, his 1st quarter salary,	625 00
	"	Spier Whitaker, Att'y. Gen'l. 6 certificates,	120 00
	"	Burgess S. Gaither, Solicitor, 5 certificates,	100 00
	"	Jno. S. Hawks, do. 1 certificate,	20 00
May.	"	Hon. M. E. Manly, Judge, his half year's salary, 9 certificates,	975 00
	"	Hon. W. H. Battle, Judge, his half year's salary, 10 certificates,	975 00
	"	Hon. D. F. Caldwell, Judge, his half year's salary, 11 certificates,	975 00
	"	Hon. J. M. Dick, Judge, his half year's salary, 12 certificates,	975 00
	"	H. C. Jones, Solicitor, 11 certificates,	220 00
	"	Robt. Strange, Solicitor, 12 certificates,	240 00
	"	Cad. Jones, Jr. Solicitor, 9 certificates,	180 00
	"	Burgess S. Gaither, Solicitor, 3 certificates,	60 00
	"	Jno. S. Hawks, Solicitor, 2 certificates,	40 00
	"	Weston R. Gales, publishing and distributing 101 copies of Supreme Court Reports, December Term 1845, including 1st No. Iredell's 6th Law and 4th Equity, containing 654 printed pages; also, for furnishing extra copies to new States, new Counties, and University,	726 90
	"	James Iredell, Reporter to the Supreme Court, his half year's salary,	150 00

1846.			
June.	Paid Hon. Thos. Settle, Judge, his half year's salary, 11 certificates,	975	00
	" Hon. R. M. Pearson, Judge, his half year's salary, 10 certificates,	975	00
	" Hon. Jno. L Bailey, Judge, his half year's salary, 10 certificates,	975	00
	" David Outlaw, Solicitor, 10 certificates,	200	00
	" Jno. S. Hawks, " 1 certificate,	20	00
July.	" Hon. F. Nash, Judge of Supreme Court, his 2d quarter salary,	625	00
	" Hon. Joseph J. Daniel, Judge of Supreme Court, his 2d quarter salary,	625	00
	" Hon. Thomas Ruffin, Chief Justice of the Supreme Court, his 2d quarter salary,	625	00
	" Spier Whitaker, Att'y. Gen'l., his attendance on Supreme Court, June Term, 1846,	100	00
	" Spier Whitaker, Att'y. Gen'l. 4 certificates,	80	00
	" Jno. S. Hawks, Solicitor, 3 certificates,	60	00
	" B. S. Gaither, do. 3 certificates,	60	00
Aug.	" Edmund B. Freeman, Clerk to the Supreme Court, his half year's salary, also for Record Books,	938	40
	" John T. C. Wiatt, Marshal to the Supreme Court, for 69 days attendance on said Court at June Term, 1846,	138	00
Sept.	" Robert Strange, Solicitor, 4 certificates,	80	00
	" David Outlaw, " 3 certificates,	60	00
	" Cad. Jones, Jr. " 3 certificates,	60	00

1846.			
	Paid	John S. Hawks, Solicitor, 2 certificates,	40 00
Oct.	"	Hon. Thos. Ruffin, 3d quarter salary,	625 00
	"	Hon. F. Nash, 3d quarter salary,	625 00
	"	Hon. J. J. Daniel, 3d quarter salary,	625 00
	"	Hon. John M. Dick, his half year's salary, 11 certificates,	975 00
	"	Spier Whitaker, Attorney General, 6 certificates,	120 00
	"	H. C. Jones, Solicitor, 10 certificates,	200 00
	"	James Iredell, Reporter to the Supreme Court, his half year's salary,	150 00
			$29,674 04

PENSIONERS.

1845.			
Nov.	Paid	Alexander Taylor, his Pension claim,	$50 00
	"	Ann Patterson, her Pension claim,	32 50
	"	Thomas Ewell, his Pension claim,	50 00
Dec.	"	Jacob Peacock, his Pension claim,	50 00
1846.			
Feb.	"	John Scott, for Martha Spears, Pension,	50 00
			$232 50

GOVERNMENT HOUSE.

1845.			
Nov.	Paid	H. W. Graham, Private Secretary, being further appropriation for furnishing Government House,	100 00
	"	Henry Morgan, for putting in Window Lights,	2 10

1846.			
M'ch.	Paid	William Thompson, repairs of Safes at the Government House,	14 00
	"	Theophilus Snow, his Bill against Gov. Morehead for articles furnished for use of Government House,	10 85
	"	Theophilus H. Snow, his bill for furniture for Government House,	15 25
			$142 20

POST OFFICE.

1845.			
Nov.	Paid	Wm. White, his postage against Governor's, Treasurer's and Adjutant General's offices,	22 80
Dec.	"	Wm. White, P. M. his postage against the public offices,	23 53
1846.			
Jan'y.	"	Wm. White, P. M. his postage account against Governor's, Treasurer's and Comptroller's offices,	7 29
March.	"	Wm. White, P. M. his postage account against public offices,	18 35
June.	"	Wm. White, P. M. his postage account against Governor's, Treasurer's, Comptroller's and Adjutant General's offices,	36 87
Aug.	"	Wm. White, P. M. sundry bills of postage,	29 52
Oct.	"	Wm. White, P. M. postage account against Governor's, Treasurer's, Comptroller's, & Adjutant General's offices, for August and September, 1846,	43 50
			$181 86

PUBLIC PRINTING.

1845.			
Dec.	Paid	W. R. Gales, printing Comptroller's Report made to Gov. Graham; also, publishing sale of Raleigh and Gaston Rail Road,	250 00
	"	Thos. J. Lemay, printing done for the use of the State, ordered by public officers,	50 25
	"	W. W. Holden, publishing Governor's Proclamation and Comptroller's Report,	79 50
	"	W. R. Gales, printing done for Governor's, Treasurer's, and Comptroller's departm'ts.	91 75
	"	W. R. Gales, printing done for the Adjutant General's office,	30 75
	"	W. W. Holden, printing done for Comptroller's dep'tment,	10 00
1846.			
Jan.	"	Wm. W. Holden, advertising sale of the Raleigh and Gaston Rail Road,	16 50
March.	"	The following Editors for publishing Penitentiary statistics:	
	"	Lincon Courier,	12 00
	"	Milton Chronicle,	12 00
	"	Highland Messenger,	12 00
	"	Wilmington Chronicle,	12 00
	"	Mecklenburg Jeffersonian,	12 00
	"	Warrenton Reporter,	12 00
	"	Roanoke Advocate,	12 00
	"	Wilmington Commercial,	12 00
	"	Independent,	12 00
Ap'l.	"	Rutherford Republican,	12 00
May.	"	Sentinel,	12 00
June.	"	District Democrat,	12 00
	"	Wm. H. Mayhew,	12 00
	"	Brown & Jones,	12 00
	"	Thomas J. Lemay, printing done for Governor, Secretary of State, Treasurer and Comptroller,	81 37
July.	"	Leonidas Lemay, printing done for Comptroller's Department,	3 50

Aug.	Paid Price & Fulton, publishing an article on the subject of the Penitentiary,		12 00
Sept.	" W. W. Holden, publishing proposals for enclosing Capitol Square,		19 50
	" Wm. H. Bayne, publishing an article on the Penitentiary question,		12 00
	" J. Hall, publishing an article on the Penitentiary subject,		12 00
			$837 12

INTEREST ON RALEIGH AND GASTON RAIL ROAD BONDS.

1846.			
Jan'y.	Paid Charles Dewey, Cashier, being interest on the Bonds of the Raleigh and Gaston Rail Road Company, due 1st Jan. 1846,		22,032 00
Feb'y.	" Interest on Bonds of the Raleigh and Gaston Rail Road Company,		840 00
Ap'l.	" Interest on Rail Road Bonds,		438 00
July.	" " " "		14,865 00
Aug.	" " " "		405 00
Sept.	" " " "		6,399 00
Oct.	" " " "		36 00
			$45,015 00

PRINCIPAL ON RALEIGH & GASTON RAIL ROAD BONDS.

1846.			
Jan.	Paid sundry holders of the Raleigh and Gaston Rail Road Bonds, due the 1st January, 1846,	$18,500 00	
Feb.	" sundry Bonds, Nos. 311 and 208,	11,500 00	
			$30,000 00

EXECUTIVE DEPARTMENT.

1846.		
Jan.	Paid Gov. Graham, 4th qr. salary as Governor of North Carolina,	$500 00
	" Henry W. Graham, Private Secretary,	75 00
April.	" Governor Graham, 1st qr. salary,	500 00
	" Henry W. Graham, Private Secretary,	75 00
July.	" Governor Graham, 2nd qr. salary,	500 00
	" Henry W. Graham, Private Secretary, 2d qr. salary,	75 00
Oct.	" Governor Graham, 3d qr. salary,	500 00
		$2,225 00

STATE DEPARTMENT.

1846.		
Jan'y.	Paid William Hill, Secretary of State, his 4th qr. salary,	200 00
Ap'l.	" William Hill, Secretary of State, his 1st qr. salary,	200 00
July.	" William Hill, Secretary of State, his 2d qr. salary,	200 00
Oct.	" William Hill, Secretary of State, his 3d qr. salary,	200 00
		$800 00

TREASURY DEPARTMENT.

1846.		
Jan'y.	Paid C. L. Hinton, Public Treasurer, his 4th qr. salary,	375 00
	" S. Birdsall, Clerk to Treasurer, his 4th qr. salary,	125 00
Ap'l.	" C. L. Hinton, Public Treasurer, his 1st qr. salary,	375 00

1846.

	Paid S. Birdsall, Clerk to Treasurer, his 1st qr. salary,	125 00
July.	" C. L. Hinton, Public Treasurer, his 2d qr. salary,	375 00
	" S. Birdsall, Clerk to Treasurer, his 2d qr. salary,	125 00
Oct.	" C. L. Hinton, Public Treasurer, his 3d qr. salary,	375 00
	" S. Birdsall, Clerk to Treasurer, his 3d qr. salary,	125 00
		$2,000 00

COMPTROLLER'S DEPARTMENT.

1846.

Jan'y.	Paid William F. Collins, his 4th quarter salary,	250 00
Ap'l.	" William F. Collins, his 1st quarter salary,	250 00
July.	" William F. Collins, his 2d quarter salary,	250 00
Oct.	" William F. Collins, his 3d quarter salary,	250 00
		$1,000 00

ADJUTANT GENERAL'S OFFICE.

1846.

Jan'y.	Paid Robt. W. Haywood, Adjutant General, his half year's salary,	100 00
July.	" Robt. W. Haywood, Adjutant General, his half year's salary,	100 00
		$200 00

SUPERINTENDANT PUBLIC BUILDINGS.

1846.

Jan'y.	Paid Green Hill, Supt. his 4th quarter salary,	65 00

1846.			
Ap'l.	Paid Green Hill, Supt. his 1st quarter salary,		65 00
July.	" Green Hill, Supt. his 2d quarter salary,		65 00
Oct.	" Green Hill, Supt. his 3d quarter salary,		65 00
			$260 00

LIBRARIAN.

1846.			
Jan'y.	Paid James F. Taylor, Librarian, his 4th qr. salary,		75 00
Ap'l.	" James F. Taylor, Librarian, his 1st qr. salary,		75 00
Oct.	" James F. Taylor, Librarian, his 2d and 3d qr. salary,		150 00
			$300 00

INTEREST ON STATE LOAN.

1846.			
Jan'y.	Paid Wm. H. Jones, Cashier of the Cape Fear Bank, being interest for six months due on Fifty Thousand Dollars, ($50,000,)		1,500 00
June.	" Charles Dewey, Cashier, being interest on advance payments made by the State Bank, in aid of the Treasury,		8 19
July.	" Wm. H. Jones, Cashier of Cape Fear Bank, being interest for six months due on Fifty Thousand Dollars, (50,000,)		1,500 00
May.	" Charles Dewey, Cashier of the State Bank, interest on payments made on School certificates,		20 49
			$3,028 68

PUBLIC LIBRARY.

1846.			
Ap'l.	Paid	Joseph G. Cogswell, for Books for Public Library,	505 00
	"	T. and J. W. Johnson, for Books for Public Library,	66 40
Aug.	"	T. and J. W Johnson, for Books for Public Library.	133 98
Sept.	"	Jno. T. West, freight on boxes of Books,	2 10
			$707 48

STATIONARY ACCOUNT.

1846.			
May.	Paid	Henry D. Turner, for Stationary furnished the Public Officers, and binding Books for the State,	116 55
June.	"	Charles Butt, for blank checks for Treasurer,	13 91
	"	N. B. Hughes, for 2 reams of Cap paper,	5 00
Aug.	"	For Books for Executive Office and Supreme Court,	33 00
Oct.	"	Hogan & Thompson, Philadelphia, bill of Stationary ordered by Secretary of State,	398 09
			$566 55

STATE CAPITOL.

1846.			
July.	Paid	William Ashley, for laying new walk on the top of the Capitol,	$118 75
Aug.	"	Silas Burns for repairing locks on the Treasurer's vault,	4 00
			$122 75

STATE LOAN.

1846.			
Aug.	Paid Bank of the State, being a loan made by the Public Treasurer in behalf of the State of North Carolina,		$10,000 00
			$10,000 00

INSOLVENT POLLS.

1846.			
Sept.	Paid the following Sheriffs for Insolvent polls allowed by order of County Courts:		
	" A. S. Moring, late Sheriff of Martin County,		35 60
	" Henry A. Ellison " Beaufort County,		12 40
	" Thos. J. A. Cooper, " Nash County,		14 20
	" James C. Turrentine, " Orange County,		42 60
	" James T. Johnson, " Iredell County,		34 20
			$139 00

GOVERNOR'S ELECTION.

1846.			
Aug.	Paid the following Sheriffs for holding Governor's Election:		
	" Sheriff of Chatham County,		$8 00
	" " Davidson "		12 00
	" " Catawba "		24 00
	" " Buncombe "		32 00
	" " Haywood "		36 00
	" " Macon "		40 00
	" " Henderson "		36 00

1846.				
Aug.	Paid	Sheriff of	Cherokee County,	48 00
	"	"	Randolph "	10 00
	"	"	Caswell "	8 00
	"	"	Wayne "	6 00
	"	"	Lenoir "	12 00
	"	"	Surry "	20 00
	"	"	Stokes "	16 00
Sept.	"	"	Cabarrus "	20 00
	"	"	Mecklenburg	22 00
	"	"	Ashe "	28 00
	"	"	Edgecomb "	12 00
	"	"	Greene "	10 00
	"	"	Richmond "	16 00
	"	"	Rockingham "	10 00
	"	"	Sampson "	10 00
	"	"	Martin "	14 00
	"	"	Brunswick "	16 00
	"	"	Columbus "	18 00
	"	"	Pasquotank "	22 00
	"	"	Iredell "	20 00
	"	"	Wilkes "	24 00
	"	"	Halifax "	8 00
	"	"	Rutherford "	28 00
	"	"	Cleaveland "	24 00
	"	"	Granville "	8 00
	"	"	Carteret "	16 00
	"	"	Beaufort "	14 00
	"	"	Northampton	10 00
	"	"	Johnston "	6 00
	"	"	Gates "	16 00
	"	"	Camden "	22 00
	"	"	Currituck "	22 00
	"	"	Bladen "	16 00
	"	"	Montgomery "	16 00
	"	"	Chowan "	16 00
	"	"	Perquimons "	18 00
	"	"	Moore "	10 00
	"	"	Robeson "	14 00
	"	"	Guilford "	12 00
	"	"	Nash "	8 00
	"	"	Hertford "	18 00
	"	"	Franklin "	8 00
	"	"	Stanly "	18 00
	"	"	Washington "	20 00
	"	"	Tyrrell "	22 00

1846.				
Sept.	Paid Sheriff of	Jones	County,	14 00
	" "	Hyde	"	24 00
	" "	Duplin	"	12 00
	" "	Cumberland	"	10 00
	" "	Pitt	"	14 00
	" "	Burke	"	24 00
	" "	Yancy	"	34 00
	" "	Caldwell	"	24 00
	" "	Rowan	"	18 00
	" "	Orange	"	8 00
	" "	Davie	"	16 00
	" "	Person	"	12 00
	" "	Anson	"	18 00
	" "	Bertie	"	12 00
	" "	Wake	"	4 00
	" "	Craven	"	16 00
	" "	Warren	"	8 00
				$1,188 00

SHERIFFS FOR SETTLING PUBLIC TAX.

1846.				
Aug.	Paid the following Sheriffs for settling Public Taxes for 1846:			
	" Sheriff of	Chatham	County,	6 60
	" "	Davidson	"	14 00
	" "	Catawba	"	20 00
	" "	Macon	"	38 00
	" "	Haywood	"	33 00
	" "	Buncombe	"	31 00
	" "	Henderson	"	33 00
	" "	Cherokee	"	43 00
	" "	Randolph	"	12 00
	" "	Caswell	"	9 00
	" "	Wayne	"	8 50
	" "	Lenoir	"	11 00
Sept.	" "	Cabarrus	"	17 00
	" "	Mecklenburg		19 25

1846.				
Sept.	Paid	Sheriff of	Ashe County,	25 00
	"	"	Edgecomb "	8 70
	"	"	Greene "	10 50
	"	"	Richmond "	13 00
	"	"	Rockingham	10 00
	"	"	Sampson "	9 50
	"	"	Martin "	14 10
	"	"	Brunswick "	20 25
	"	"	New Hanover	16 50
	"	"	Columbus "	15 00
	"	"	Pasquotank"	23 00
	"	"	Iredell "	17 80
	"	"	Wilkes "	21 00
	"	"	Halifax "	11 00
	"	"	Lincoln "	20 50
	"	"	Rutherford "	25 00
	"	"	Cleveland "	23 80
	"	"	Granville "	7 50
	"	"	Carteret "	19 50
	"	"	Beaufort "	15 00
	"	"	Northampton	14 70
	"	"	Johnston "	5 60
	"	"	Gates "	19 12
	"	"	Camden "	24 50
	"	"	Currituck "	26 50
	"	"	Bladen "	12 60
	"	"	Montgomery	14 30
	"	"	Chowan "	21 50
	"	"	Perquimons"	23 00
	"	"	Moore "	8 50
	"	"	Robeson "	11 80
	"	"	Guilford "	11 00
	"	"	Nash "	7 50
	"	"	Hertford "	13 60
	"	"	Franklin "	6 00
	"	"	Stanly "	18 00
	"	"	Washington	18 00
	"	"	Tyrrell "	23 00
	"	"	Onslow "	16 50
	"	"	Jones "	13 50
	"	"	Hyde "	25 20
	"	"	Duplin "	11 50
	"	"	Cumberland	9 40
	"	"	Pitt "	12 00
	"	"	Burke "	23 80

Sept.	Paid Sheriff of Yancy County,			29 50
	" "	McDowell	"	25 50
	" "	Caldwell	"	23 00
	" "	Rowan	"	15 80
	" "	Orange	"	6 60
	" "	Davie	"	14 00
	" "	Stokes	"	15 00
	" "	Person	"	8 50
	" "	Anson	"	15 00
	" "	Union	"	18 00
	" "	Bertie	"	14 00
	" "	Wake	"	3 00
	" "	Craven	"	15 00
	" "	Warren	"	8 50
	" "	Surry	"	17 90
				$1,242 42

SENATORIAL ELECTIONS.

1846.

Aug.	Paid the following Sheriffs for Senatorial Elections:			
	" Sheriff of Cherokee County,			10 33
	" "	Henderson	"	5 50
	" "	Buncombe	"	2 50
	" "	Haywood	"	8 86
	" "	Macon	"	2 50
	" "	Lenoir	"	5 33
Sept.	" "	Cabarrus	"	5 50
	" "	Ashe	"	9 16
	" "	Greene	"	4 50
	" "	Richmond	"	7 33
	" "	Brunswick	"	2 50
	" "	Columbus	"	10 00
	" "	Pasquotank	"	4 17
	" "	Wilkes	"	9 91
	" "	Cleveland	"	6 66
	" "	Carteret	"	7 50
	" "	Beaufort	"	8 33

1846.			
Sept.	Paid Sheriff of Gates County,		4 17
	" " Camden "		5 00
	" " Currituck "		4 50
	" " Bladen "		6 83
	" " Montgomery		9 83
	" " Chowan "		6 17
	" " Perquimons		4 17
	" " Moore "		5 83
	" " Robeson "		6 83
	" " Stanly "		6 17
	" " Washington		8 83
	" " Tyrrell "		5 83
	" " Jones "		8 00
	" " Hyde "		12 37
	" " Burke "		5 00
	" " Yancy "		6 00
	" " Davie "		4 33
	" " Rowan "		3 83
	" " Surry "		6 66
			$230 43

CONTINGENCIES.

1845.			
Nov.	Paid Duncan G. McRae, for keeping arsenal at Fayetteville for one year, ending 1st Oct. 1845,	$60 00	
Dec.	" New York Herald, advertising 2 months sale of the Raleigh and Gaston Rail Road,	50 60	
	" Mobile Advertiser, advertising the sale of the Raleigh and Gaston Rail Road,	50 50	

1845.			
Dec.	Paid Everard Hall, for one hundred cords of fire-wood furnished the public offices at $1 37 1-2 per cord,	137	50
1846.			
Jan.	" H. W. Graham, to pay servant's hire to the Executive office,	48	00
	John C. Palmer, making and repairing Seals for counties,	28	00
	" T. H. Selby for coffee-bags used in distributing Laws and Journals, also for brooms for the use of the Capitol,	1	85
	" W. F. and Thomas Ritchie, advertising sale of the Raleigh and Gaston Rail Road,	35	00
	" James G. Scott, in further part for copying letters of the early Governors, as per Resolution of the General Assembly,	60	00
	" William Chavers, for keeping State pump in repair, by contract,	10	00
	" William Stronach, for work done on fire-place in Comptroller's office,	5	40
Feb.	" Ruffin Tucker and son, drayage on boxes of books and Furniture for Government House,	2	00
	" James G. Scott, for further services in copying letters of early Governors,	75	00
	" Wm. Hill, Secretary of State, copying statute of Kentucky for C. Jones, Jr. Solicitor,	13	40
	" Editor of New Orleans Picayune, for advertising sale of the Raleigh and Gaston Rail Road,	126	25

1846.			
Feb.	Paid	Editor of Richmond Whig, advertising sale of the Rail Road,	56 00
	"	J. E. Lumsden, work and repairs about the capitol,	1 65
March.	"	Isaac Munroe, advertising sale of the Raleigh and Gaston Rail Road,	75 75
	"	Editor of Charleston Courier, for advertising sale of the Rail Road,	150 00
	"	Elisha Mitchell, in further part of compensation as Engineer of the Western Turnpike, as per act of assembly,	400 00
	"	Benj. Davis, being amount of a Proclamation offered by Gov. Graham, for arrest of Edwin Sawyer,	200 00
Ap'l.	"	Editors of the Boston Daily Atlas, for advertising sale of the Rail Road,	63 63
	"	James G. Scott, further compensation for copying letters of early Governors,	40 00
	"	Andrew Kevan & Brother, for freight and expenses of packages of Candles for the State,	6 66
June.	"	D. G. McRae, for freight and charges on 96 boxes of Public Arms from Wilmington to Fayetteville,	93 46
	"	Head & Robbins, freight and charges on boxes of Books for the State,	8 50
	"	Robt. W. Brown, of Wilmington, his charges for services in receiving and forwarding Public Arms,	15 00

1846.		
June.	Paid Jno. C. Palmer, repairing Seal for the Court of Equity for Randolph County,	4 00
	" Everard Hall, for 2 cords of Wood,	2 75
Oct.	" Duncan G. McRae, Keeper of Public Arms at Fayetteville, to 1st Oct. 1846,	60 00
		$1,890 30

WM. F. COLLINS, *Compt.*

COMPTROLLER'S OFFICE,
Raleigh, N. C.

A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A STATEMENT of the Nett Amount of that branch of the Revenue which is receivable by the Sheriffs and paid into the Public Treasury, for the year 1845.

Counties.	No.	Sheriffs' Names.	Land Tax.	Town Property Tax.	Poll Tax.	Stud Horse Tax.	Gate Tax.	Store Tax.	Tavern Tax.	Pedlar Tax.	Artificial Curiosity Tax.	Natural Curiosity Tax.	Negro Traders Tax.	No.	Penalty on Sh'ff. failing to make proper returns.	Amount due and paid.
			Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.		D. C.	D. C.
Anson	1	George D. Bogan	532 73	16 28	622 66	15 01	9 40	148 52	30 08	-	-	14 10	-	1	-	1388 81
Ashe	2	Edwin C. Bartlett	267 17	8 50	231 95	6 11	-	53 84	-	37 60	-	14 10	-	2	-	598 37
Beaufort	3	Henry A. Ellison	327 70	123 23	347 46	-	9 40	484 10	109 04	47 00	28 20	-	-	3	-	1676 19
Bertie	4	John Freeman	692 86	29 11	720 98	28 67	-	144 76	37 60	37 60	28 20	-	-	4	-	1719 78
Bladen	5	George W. Melvin	250 13	4 97	389 54	-	-	47 00	33 84	37 60	-	-	-	5	-	763 08
Brunswick	6	James H. Allen	185 74	17 70	341 78	2 82	4 70	16 92	22 56	-	28 20	-	-	6	-	620 42
Buncombe	7	Pierce Roberts	403 49	29 55	249 66	16 07	-	92 12	22 56	18 80	-	-	-	7	-	832 05
Burke	8	John H. Pearson	278 79	-	226 54	4 23	-	78 96	26 32	18 80	-	-	-	8	-	633 64
Cabarrus	9	C. N. White	400 43	16 63	408 15	17 36	-	97 76	11 28	-	56 40	14 10	-	9	-	1022 14
Caldwell	10	E. S. Moore	246 70	-	194 20	22 56	-	20 32	22 56	37 60	-	14 10	-	10	-	549 94
Camden	11	Enoch P. Daily	237 97	-	229 15	30 08	4 70	127 84	82 72	56 40	-	-	-	11	-	759 86
Carteret	12	George Dill	109 86	15 27	192 32	-	-	146 64	63 92	37 60	-	-	-	12	-	565 61
Caswell	13	John R. Brooks	572 22	57 30	786 97	25 38	-	157 92	41 36	37 60	56 40	14 10	-	13	-	1749 25
Chatham	14	John Harman	592 96	27 90	712 05	27 73	-	112 80	45 12	122 20	-	-	-	14	-	1640 76
Cherokee	15	Seth W. Hyatt	8 24	20	90 24	14 10	4 70	62 04	26 32	-	-	-	-	15	-	205 84
Chowan	16	Thomas W. Hoskins	568 76	67 07	369 42	3 29	-	154 16	33 84	-	28 20	-	-	16	-	1043 74
Cleaveland	17	Charles Blanton	253 66	1 98	288 96	12 22	-	48 88	22 56	-	-	14 10	-	17	-	642 36
Columbus	18	Joshua Williamson	98 66	3 30	176 16	9 40	-	39 48	11 28	37 60	28 20	-	-	18	-	404 08
Craven	19	Francis J. Prentiss	282 16	223 19	617 77	30 08	-	727 56	116 56	37 60	56 40	-	-	19	-	2091 32
Cumberland	20	Alexander Johnson	450 31	253 88	653 66	18 80	23 50	723 80	37 60	-	28 20	14 10	-	20	-	2203 87
Currituck	21	Samuel B. Dozier	230 17	-	252 86	14 10	-	48 88	56 40	112 80	-	-	-	21	-	735 21
Catawba	22	A. H. Shuford	516 98	10	366 22	22 09	14 10	58 28	16 04	18 80	-	-	-	22	-	1011 61
Davidson	23	B. B. Roberts	521 28	19 36	488 91	25 38	-	122 20	7 52	-	28 20	-	-	23	-	1212 35
Davie	24	William B. March	268 76	-	290 27	20 21	9 40	63 92	7 52	18 80	-	-	-	24	-	678 88
Duplin	25	Edward E. Hussey	347 86	4 57	529 96	19 74	-	122 20	52 64	94 00	28 20	-	-	25	-	1193 17
Edgecomb	26	William D. Petway	942 03	35 59	948 08	44 18	-	319 60	94 00	131 60	-	28 20	-	26	-	2543 30
Franklin	27	Leroy Mitchell	443 64	23 00	801 56	29 14	-	114 68	37 60	56 40	28 20	14 10	-	27	-	1308 32
Gates	28	James R. Reddic	281 22	-	352 60	13 16	-	88 36	22 56	37 60	28 20	-	-	28	-	823 79
Greene	29	Haywood Edmondson	512 32	5 30	344 98	23 50	9 40	69 56	48 88	75 20	28 20	-	-	29	-	907 94
Granville	30	Joseph H. Gooch	684 80	46 96	1,079 87	59 22	-	263 20	41 36	150 40	28 20	14 10	-	30	-	2368 11
Guilford	31	James W. Doak	711 96	97 50	548 40	50 29	-	180 12	7 52	56 40	56 40	-	9 40	31	-	1717 99
Halifax	32	Wm. W. Brickell	903 10	34 72	883 04	23 50	23 50	159 80	52 64	18 80	28 20	-	-	32	-	2127 30
Haywood	33	John B. Wilson	160 98	7 02	135 17	25 38	4 70	41 36	3 76	18 80	-	-	-	33	-	397 17
Henderson	34	Joseph Livingston	285 94	-	160 74	21 62	9 40	43 24	15 04	56 40	-	-	-	34	-	592 38
Hertford	35	Abner J. Perry	336 54	30 67	372 80	7 52	-	103 50	15 04	-	28 20	-	-	35	-	954 33
Hyde	36	Israel Brooks	323 06	-	363 01	15 04	9 40	63 56	45 12	18 80	-	-	-	36	-	738 59
Iredell	37	William S. Moore	498 41	20 35	622 09	31 02	-	95 88	11 28	37 60	-	14 10	-	37	-	1330 73
Johnston	38	Wm. S. Ballinger	449 05	16 28	527 15	49 82	-	120 32	26 32	94 00	56 40	-	-	38	-	1339 34
Jones	39	John H. Dillahunt	253 58	$ 25	280 31	-	-	33 84	26 32	37 60	28 20	-	-	39	-	665 10
Lenoir	40	Richard W. King	207 65	8 70	403 64	6 58	-	58 28	48 88	112 80	28 20	-	-	40	-	964 73
Lincoln	41	Benjamin Morris	546 55	12 24	454 77	14 10	-	78 96	15 04	18 80	-	14 10	-	41	-	1154 56
Macon	42	E. Dowdle	138 70	120 13	30 55	4 70	-	39 48	7 52	-	-	-	-	42	-	340 58
Martin	43	N. B. Mariner	281 12	20 30	343 85	17 86	-	109 04	41 36	-	-	-	-	43	-	813 53
Mecklenburg	44	Tho's. N. Alexander	609 67	53 26	655 37	28 67	-	165 44	45 12	-	28 20	28 20	-	44	-	1613 93
Montgomery	45	Aaron H. Sanders	172 11	1 40	186 69	9 40	4 70	35 72	18 80	-	-	-	-	45	-	428 81
Moore	46	William Wadsworth	244 08	2 89	293 66	2 82	-	67 68	33 84	-	-	-	-	46	-	644 97
McDowell	47	John N. Curtis	238 58	-	180 55	9 40	-	78 96	56 40	37 60	-	-	-	47	-	568 49
Northampton	48	Henry Spivey	730 14	7 70	682 82	26 32	9 40	95 88	48 88	56 40	28 20	-	-	48	-	1685 74
New Hanover	49	Owen Fennell	408 24	445 78	754 82	6 58	4 70	972 90	188 00	56 40	84 60	-	-	49	-	2922 02
Nash	50	Thos. J. A. Cooper	330 25	9 08	450 26	3 76	-	45 12	37 60	56 40	-	-	-	50	-	932 47
Onslow	51	George W. Ward	291 79	9 00	344 23	9 40	-	41 36	48 88	94 00	28 20	-	-	51	-	866 86
Orange	52	Jas. C. Turrentine	1019 02	66 44	1,131 61	73 32	-	223 72	45 12	75 20	-	-	-	52	-	2624 43
Person	53	Hardy Walters	372 28	-	530 91	16 92	-	75 20	22 56	-	-	-	-	53	-	1018 17
Perquimons	54	Willis Bagly	367 13	18 78	345 78	48 88	9 40	124 08	7 52	56 40	28 20	-	-	54	-	1006 12
Pasquotank	55	Joshua A. Poole	263 34	37 85	309 82	-	-	253 12	150 40	37 60	28 20	-	-	55	-	1060 33
Pitt	56	Benjamin M. Selby	544 90	31 20	587 50	-	-	125 96	71 44	56 40	28 20	-	-	56	-	1445 60
Randolph	57	Hezekiah Andrews	511 82	-	398 94	34 31	-	109 04	3 76	94 00	28 20	-	-	57	-	1180 07
Richmond	58	John C. Knight	353 21	6 08	481 47	1 88	14 10	80 84	47 00	56 40	28 20	14 10	-	58	-	1083 28
Robeson	59	John A. Rowland	284 32	2 49	448 19	14 57	-	62 04	18 80	37 60	-	-	-	59	-	868 01
Rockingham	60	Samuel C. Edwards	483 66	17 07	616 08	15 08	28 20	127 84	52 64	-	-	-	28 20	60	-	1359 97
Rowan	61	Hezekiah Turner	497 35	72 62	565 32	13 71	-	56 40	22 56	56 40	28 20	-	-	61	200 00	1511 56
Rutherford	62	William Wilkings	479 61	34 19	398 94	17 39	-	129 72	48 88	37 60	-	-	-	62	-	1146 33
Sampson	63	Ama B. Chesnutt	392 45	8 15	537 30	23 50	-	92 12	26 32	94 00	28 20	-	-	63	-	1202 04
Stanly	64	Edward W. Davis	171 13	11	214 51	11 28	4 70	22 56	18 80	-	-	-	-	64	-	443 09
Stokes	65	John G. Hill	565 08	47 69	499 14	10 34	-	125 96	56 40	18 80	-	-	-	65	-	1323 41
Surry	66	Henry G. Hampton	452 48	4 83	407 77	41 83	-	77 08	30 08	37 60	-	-	-	66	-	1051 07
Tyrrell	67	Jordan S. Jones	145 83	-	185 93	-	-	24 44	15 04	18 80	-	-	-	67	-	390 04
Union	68	Alex. Richardson	502 18	1 69	295 91	21 15	-	47 00	26 32	18 80	-	-	-	68	-	713 05
Wake	69	James Edwards	900 68	186 60	1,060 70	41 83	-	249 10	165 44	18 80	28 20	14 10	-	69	-	2665 45
Warren	70	Joseph S. Jones	608 05	20 33	899 77	46 06	28 20	133 48	37 60	75 20	28 20	14 10	-	70	-	1890 99
Washington	71	Charles Latham	167 94	25 50	226 54	15 04	-	117 50	41 36	37 60	28 20	-	-	71	-	659 68
Wayne	72	Ollin Coor	589 01	13 89	551 14	28 20	-	71 44	60 16	75 20	28 20	-	-	72	-	1387 24
Wilkes	73	Abner Carmichael	259 71	10 71	329 36	1 88	-	33 84	3 76	18 80	-	-	-	73	-	658 06
Yancy	74	James Carter	148 13	-	118 06	10 81	-	30 08	11 28	37 60	-	-	-	74	-	355 96
			$20,207 95	2,431 81	32,892 98	1,432 20	235 00	9,794 44	2983 76	2989 20	1184 40	267 90	37 60		200 00	83,657 24
Additional Returns for 1845, and former years.																
Catawba	1	A. H. Shuford	45 -	-	2 01	-	-	-	-	-	-	-	-	1	-	2 46
Chatham	2	John Harman	20 33	-	11 66	-	-	-	-	-	-	-	-	2	-	31 99
Lincoln	3	Benjamin Morris	34 19	40 61	4 89	4 70	-	-	-	-	-	-	-	3	-	84 39
Moore	4	William Wadsworth	10 85	1 97	7 52	-	-	-	-	-	-	-	-	4	-	29 34
Martin	5	A. S. Mooring	1 04	-	0 58	-	-	5 64	3 76	-	-	-	-	5	-	17 03
Northampton	6	Henry Spivey	108 00	-	1 50	-	-	-	-	-	-	-	-	6	-	109 50
			$29,362 81	2,474 39	32,927 14	1,436 90	235 00	9,800 08	2987 52	2989 20	1184 40	267 90	37 60		200 00	$83,922 94
															Deduct Tavern Tax belonging to Literary Board,		2,987 52
																$80,935 42

A STATEMENT of the Revenue which is derived from Sales at Auction and from the Banks of the State, for Tax on Stock at one-fourth per cent. on each Share held by individuals, for the fiscal year, 1845-6.

Names of Auctioneers.	County and Years.	Am't due from Auctioneers.	Am't p'd by Auctioneers
Wm. Peck	Wake 1845 & '46	$26 24	$26 24
John C. Moore	" "	21 89	21 89
N. B. Hughes	" "	22 77	22 77
E. W. Wilkinge	Cumberland "	147 77	147 77
S. W. Tillinghast	" "	39 26	39 26
A. M. Campbell	" "	45 31	45 31
Wm. S. Smith & Co.	" "	89 89	89 89
R. G. Rankin	New Hanover "	238 74	238 74
Talcott Burr	" "	41 16	41 16
Jeremiah Lippitt	" "	40 03	
William Dunn	Craven "	54 53	54 53
S. S. Buckus	" "	2 62	
Henry J. Green	" "	30	30
Joseph S. Fowler	" "	21 18	21 18
James Northam	Johnston "	17 67	17 67
Thomas Hubbard	Anson "	1 05	
John A. Lee	Henderson "	99	99
E. W. Wilkings	Cumberland 1844-5.	93 82	93 82
S. W. Tillinghast	" "	32 63	32 63
S. S. Backus	" "	1 98	1 98
Joseph Fowler	Craven "	10 85	10 85
John C. Moore	Wake "	12 05	12 05
		$944 24	$893 72

Revenue derived from Tax on Individual Bank Stock.

Banks.	Individual Shares	Am't. due	Am't. paid
Bank of the State,	6913	$692 25	
" Cape Fear,	2556	2,389 00	2,389 00
" Merchants', Newbern,	2230	562 50	562 50

RECAPITULATION OF RECEIPTS.

PUBLIC FUND

Received from the following sources:

Bank Dividend, Bank of Cape Fear,		$60 00
Bank Tax, "		2,389 00
Interest on Wilmington & Raleigh R. R. Bonds,		3,000 00
Raleigh & Gaston Rail Road Profits,		7,200 00
Raleigh & Gaston Rail Road Company,		2,600 00
Public Tax received from Sheriffs, Tax for 1845	60,673 48	
Additional Returns " " 1844-5,	289 57	
Patrick McGowan, sale of old Tools,		3 35
James Puttick, sale of Quarry Rock,		67 84
R. M. Saunders, Note for old Treasury office,		201 00
Revised Statutes,		861 60
State Loan, by Bank of the State,		9,847 12
Bank Tax, Merchants' Bank Newbern,		562 50
Joseph Barnard, balance of sale of Bell,		54 50
		107,809 96
Balance due Pub. Treasurer 1st Nov. 1845,	97,977 12	
Disbursements since 1st Nov. 1845, to 1st Nov. 1846,	131,983 33	
		229,960 45
Balance due Public Treasurer, 1st Nov. 1846,		$122,150 49

LITERARY FUND.

RECEIPTS.

Balance due President and Directors of Literary Fund, 1st Nov. 1845,	$112,213 13	
Entries of Vacant Land,	5,447 08	
Auction Tax,	893 72	
Principal on loans by the Literary Board,	12,291 71	
Interest " "	8,317 99	
Interest " " Int'l. Imp't. Board,	732 42	
Bank Dividends, Bank Cape Fear,	31,932 00	
" " " State,	36,445 75	
Interest on Raleigh and Gaston R. R. Bonds,	9,798 00	
" " Wilmington & Raleigh "	4,110 00	
Cape Fear Navigation Company,	2,558 81	
Roanoke Navigation Company Dividend,	875 00	
Tavern Tax received on retailers of spirits,	2,987 52	
Orange County, for Deaf and Dumb,	41 25	
	228,645 56	
Deduct disbursements since 1st Nov. 1845,	101,325 73	
		$127,319 63

INTERNAL IMPROVEMENT FUND.

RECEIPTS.

Balance due President and Directors of Fund of Internal Imp't. Board, 1st Nov. 1845,	$59,833 37	
Cherokee Bonds, (1838) Jacob Siler, agent,	12,060 59	
" " (1838) Enloe and others,	1,710 85	
Principal on loans by Int'l. Imp't. Board,	1,760 88	
Bank Dividend, Bank Cape Fear,	672 00	
	$74,506 29	
Deduct disbursements since 1st Nov. 1845,	564 05	
		73,944 34
Balance due President and Directors Literary Fund, 1st Nov. 1846,	127,319 63	
Balance due President and Directors Internal Improvement Fund, 1st Nov. 1846,	73,944 34	
		201,263 97
Deduct balance due Public Treasurer, 1st Nov. 1846,		122,150 49
Balance in hands of Public Treasurer, 1st Nov. 1846,		$79,113 48

The foregoing Statement is founded on Vouchers and Returns on file in this Office, November 1st, 1846.

WM. F. COLLINS, *Comptroller.*

COMPTROLLER'S OFFICE, *November 1st, 1846.*

REPORT

OF THE

PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA.

TRANSMITTED TO THE LEGISLATURE,

ACCORDING TO ACT OF ASSEMBLY.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

TREASURY OFFICE,
Nov. 19th, 1846.

Sir:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to an Act of Assembly, entitled "An Act concerning the Treasurer of the State."

I have the honor to be,

With very great respect,

Sir,

Your obedient servant,

CHARLES L. HINTON.

E. STANLY,

The Honorable, the Speaker

of the House of Commons.

REPORT.

TREASURY DEPARTMENT,
November, 1846.

To the Honorable, the General Assembly,
of the State of North Carolina:

The Public Treasurer, in obedience to an Act of the Legislature, passed in 1827, entitled "An Act concerning the Public Treasurer," respectfully submits the following Report:

I—PUBLIC REVENUE AND EXPENDITURES.

Receipts of the Public Treasurer from the 1st Nov. 1844, to 31st October, 1846, are as follows:

1844.			
Nov.	Cash received of D. W. Stone, Cashier of the Bank of Cape Fear, as dividend on 10 shares of Stock held in said Bank,	30	00
1845. Jan.	" Received, amount borrowed of the Bank of Cape Fear by virtue of an Act passed at the Session of 1844—1845,	50,000	00
	" Received of R. Reid, for the Deaf, Dumb and Blind,	3	00
Feb.	" Received of J. W. Green, Treasurer, as interest on $50,000 of bonds of the Wilmington and Raleigh Rail Road Company, held by the State,	1,500	00
April.	" Received of Green Hill, for rope sold,	5	50
	" Received of T. Wright, Cashier, dividend, on 10 Shares of Stock in the Bank of Cape Fear,	30	00

July.	Cash received of J. W. Green, Treasurer, as interest on $50,000 of bonds of the Wilmington and Raleigh Rail Road Company, and due 1st July,	1,500	00
	" Received of E. J. Hale, for sale of Revised Statutes,	45	75
Aug.	" Received of Charles Dewey, Cashier of the Bank of the State, as tax on 2973 shares of Stock held by individuals in said Bank,	2,243	25
	" Received of C. Slover, President of the Merchants' Bank, New-Bern, as tax of 25 cents on 2250 shares of Stock held by individuals in said Bank,	562	50
Sept.	" Received of Sheriffs' for Public Tax for 1844,	79,224	35
	" " additional returns,	685	04
Nov.	" Received of T. Wright, Cashier, as tax of 25 cents on 9556 shares of Stock held by individuals in Bank of Cape Fear,	2,389	00
	" Received of T. Wright, Dividend on 10 shares of Stock in said Bank,	30	00
Dec.	" Received of Green Hill, for tools sold from the Arsenal,	3	35
1846. March	" Received of J. W. Green, Treasurer of the Wilmington and Raleigh Rail Road Company, as interest on $50,000 of Bonds held by the State and due 1st January,	1,500	00
	" Received of R. M. Saunders, on note due the State,	201	00
April.	" Received of William Boylan, President of Raleigh and Gaston Rail Road, in part of the earnings before sale of said Road,	2,000	00
May.	" Received of H. D. Turner, balance of account due for Revised Statutes sold by him,	861	60
	" Received amount borrowed of the Bank of the State,	9,847	12
	" Received of T. Wright, Cashier, Dividend on 10 shares of Stock in Bank of Cape Fear,	30	00

July.	Cash received of J. W. Green, Treasurer of the Wilmington and Raleigh Rail Road Company, as interest on $50,000 of Bonds, due 1st July, 1846,	1,500	00
	" Received of W. W. Vass, Treasurer of Raleigh and Gaston Rail Road, in part of the earnings of said Road, to 1st of June,	7,200	00
Aug.	" Received of W. W. Clark, Cashier of the Merchants' Bank of NewBern, tax on 2250 shares of Stock held by individuals,	562	50
Sept.	" Received of Sheriffs for Public Tax for 1845,	80,673	48
	" " additional returns,	261	94
	" Received of Wm. Boylan, President of the Raleigh and Gaston Rail Road Company, in part of earnings of said Road before sale,	600	00
Oct.	" Received of W. H. Jones, Cashier, tax of 25 cents on 9556 shares of Stock held by individuals in the Bank of Cape Fear,	2,389	00
	" Received of Jos. Barnhard, balance due on exchange of bells,	54	50
	" Received of J. Puttick, agent Rock Quarry,	67	84
	Making an aggregate of	$246,000	72

CR.

The expenditures from the Public Fund for the same period, that is, from the 31st Oct. 1844, to the 1st of Nov. 1846, consist of the following items:

Balance due Public Treasurer, 1st Nov. 1844,		70,954	97
Paid principal on Raleigh & Gaston Rail Road Bonds endorsed by the State, and due the 1st of January 1845,	30,000 00		
" " " 1846,	30,000 00		
		60,000	00

Paid Interest on same, due	1845,	45,529 50		
" " "	1846,	45,015 00		
				90,544 50
" Judiciary,	1845,	27,154 67		
" "	1846,	29,674 04		
				56,828 71
" Executive Department,	1845,	2,300 00		
" "	1846,	2,225 00		
				4,525 00
" Treasury "	1845,	2,000 00		
" " "	1846,	2,000 00		
				4,000 00
" State "	1845,	800 00		
" " "	1846,	800 00		
				1,600 00
" Comptroller's "	1845,	1,000 00		
" " "	1846,	1,000 00		
				2,000 00
" Adjutant General,	1845,	200 00		
" "	1846,	200 00		
				400 00
" Superintendant Public Buildings,	1845,	260 00		
" " "	1846,	260 00		
				520 00
" Librarian,	1845,	300 00		
" "	1846,	300 00		
				600 00
" Contingencies,	1845,	5,753 34		
" "	1846,	1,890 30		
				7,643 64
" Public Library,	1845,	1,249 60		
" "	1846,	707 48		
				1,957 08
" Public Printing,	1845,	2,648 16		
" "	1846,	837 12		
				3,485 28
" Post Office,	1845,	530 29		
" "	1846,	181 86		
				712 15
" Council of State,	1845,			275 60
" Governor's House,	1845,	976 04		
" "	1846,	142 20		
				1,118 24
" Stationery,	1845,	499 43		
" "	1846,	566 55		
				1,065 98

Paid, Weights and Measures, 1845,			2,057 35
" Sheriffs for settling Public Tax, 1845,	1,243 00		
" " " " 1846,	1,242 42		
			2,485 42
" Congressional Elect'ns, 1845,			715 66
" Electoral Elections, 1845,			1,978 64
" Governor's Election, 1846,			1,188 00
" Senatorial Election, 1845,	10 00		
" " " 1846,	230 43		
			240 43
" State Capitol, 1845,	250 75		
" " 1846,	122 75		
			373 50
" Pensioners, 1845,	432 50		
" " 1846,	232 50		
			665 00
" Bogue Banks, 1845,			171 58
" General Assembly,			35,363 77
" Treasury notes burnt,			63 03
" Interest on State loan, 1845,	1,450 00		
" " " 1846,	3,028 68		
			4,478 68
" Amount borrowed of the Bank of the State, 1846,			10,000 00
" Insolvent Polls, 1845,			139 00
Making an aggregate of		$368,151 21	
From which, deduct amount of receipts,		246,000 72	
Leaves a balance due the Public Treasurer, on the 1st of Nov. 1846,		$122,150 49	

II.—LITERARY FUND.

The balance due the President and Directors of the Literary Board, on the 1st of November, 1844, as reported to the Legislature,	64,329 40
Cash received for entries of Vacant Land:	
" " November, 1844,	1,694 99
" " December "	3,284 72
" " January, 1845,	421 17
" " February "	215 67
" " March "	206 92
" " April "	150 95

Cash	received,	May	1845,	167 33
"	"	June	"	204 72
"	"	July	"	145 50
"	"	August	"	333 95
"	"	September	"	844 57
"	"	October	"	371 37
				8,041 16
"	"	November	"	358 95
"	"	December	"	1,292 09
"	"	January	1846,	531 40
"	"	February	"	761 31
"	"	March	"	642 90
"	"	April	"	449 51
"	"	May	"	334 59
"	"	June	"	157 84
"	"	July	"	135 02
"	"	August	"	83 33
"	"	September	"	352 51
"	"	October	"	347 61
				5,447 06

Nov.	Cash received	S. Backus, Auctioneer		7 59
	" "	D. W. Stone, Cashier, Dividend on Stock in Bank of Cape Fear,		15,966 00
	" "	Gov. Morehead, President *ex officio* of the Literary Board, as principal on loans,		2,487 59
	" "	Gov. Morehead, President *ex officio* of the Literary Board, as interest on loans by said Board,		920 55
Dec.	" "	C. Dewey, Cashier, as dividend on stock in the Bank of the State,		15,081 00
1845. Jan'y.	" "	Gov. Graham, President *ex officio* of the Literary Board, as principal on loans by said Board,		463 76

Cash received,		Gov. Graham, President *ex officio* of Literary Board, as interest on loans by said Board,	560	20
	"	" Gov. Graham, President *ex officio* of Literary Board, as principal on bonds of the Raleigh and Gaston Rail Road Company,	2,000	00
	"	" Gov. Graham, President *ex officio* of Literary Board, as interest on bonds of the Raleigh and Gaston Rail Road Company,	4,959	00
Ap'l.	"	" Gov. Graham, President *ex officio* of Literary Board, as principal on loans by Literary Board,	888	94
	"	" Gov. Graham, President *ex officio* of Literary Board, as interest on loans by Literary Board,	724	98
	"	" Gov. Graham, President *ex officio* of Literary Board, as interest on bonds of the Wilmington and Raleigh Rail Road Company,	4,110	00
	"	" Gov. Graham, President *ex officio* of the Board of Internal Improvement, as interest on loans by said Board,	470	81
	"	" D. W. Stone, Cashier, as Dividend on Stock in the Bank of Cape Fear,	15,966	00
May.	"	" G. W. McNeil, Treasurer of the Cape Fear Navigation Company,		

		being Dividend No. 20, 21, 22, of one per cent. on 650 shares of Stock held in said company by the President and Directors of the Literary Board,	1,950 00
May.	Cash received	Gov. Graham, President *ex officio* of Lit'y Board, as principal on loans by said Board,	1,774 26
	" "	Gov. Graham, President *ex officio* of Lit'y Board, as interest on loans by said Board,	1,171 26
July.	" "	C. Dewey, Cash'r. dividend No. 20 of 3¾ per cent. on 5027 Shares of Stock in the Bank of the State,	19,337 75
	" "	A. Joyner, President of the Roanoke Navigation Company, Dividend No. 13 of 1½ per cent. on 500 Shares of Stock in said comp'y.	750 00
	" "	Gov. Graham, President *ex officio* of the Literary Board, as interest on Bonds of the Raleigh and Gaston Rail Road Company held by said Board,	4,899 00
	" "	Gov. Graham, President *ex officio* of the Literary Board, as interest on Bonds of the Wilmington and Raleigh Rail Road Company held by said Board,	4,110 00
	" "	Gov. Graham, President *ex officio* of the Literary Board, as interest on loans by said Board,	75 00

July.	Cash received	Gov. Graham, President *ex officio* of the Board of Internal Improvement, as interest on loans by said Board,	191	36
	"	" Gov. Graham, President *ex officio* of the Board of Internal Improvement, as principal on loans by said Board,	200	00
Aug.	"	" Gov. Graham, President *ex officio* of Literary Board, as principal on loans by said Board,	1,654	06
	"	" Gov. Graham, President *ex officio* of Literary Board, as interest on loans by said Board,	2,941	89
Sept.	"	" Retailers of Spirits,	2,936	56
Oct.	"	" Auction Tax,	607	52
Nov.	"	" Dividend No. 72 of 3 per cent. on 5027 shares held by Literary Board in Bank of Cape Fear,	15,966	00
1846.				
Jan'y.	"	" Auction Tax,	151	33
	"	" Dividend No. 21 of 4 per cent. on 5027 shares of stock in the Bank of the State,	20,108	00
	"	" Interest on bonds of the Raleigh and Gaston Rail Road Company,	4,899	00
	"	" Principal on loans by Literary Board,	3,827	54
	"	" Interest on loans by Literary Board,	3,636	41
March.	"	" Cape Fear Navigation Company, amount due on decree of Supreme Court,	608	81

M'ch.	Cash received		Cape Fear Navigation Company, Dividend No. 23,	650 00
	"		Principal on loans by Literary Board,	2,913 51
	"	"	Interest on loans by Literary Board,	2,480 39
May.	"	"	Dividend No. 73 on 5322 shares of stock in the Bank of Cape Fear,	15,966 00
	"	"	Cape Fear Navigation Company, Dividends No. 23 and 24, of $650 each,	1,300 00
June.	"	"	Dividend No. 22 of 3¾ per cent. on 5027 shares of stock in the Bank of the State,	16,337 75
July.	"	"	Interest on bonds of the Wilmington and Raleigh Rail Road Company,	4,110 00
	"	"	Roanoke Navigation Company, Dividend No. 14 of 1¾ per cent. on 500 shares of stock,	875 00
Sept.	"	"	Tax on Retailers of Spirits,	2,987 52
	"	"	Principal on loans by Literary Board,	5,550 66
	"	"	Interest on loans by Literary Board,	2,201 19
	"	"	Interest on bonds of the Raleigh and Gaston Rail Road Company,	4,899 00
	"	"	Gov. Graham, amount received from Orange County, on account of Deaf and Dumb,	41 25
	"	"	Interest on loans by Board of Internal Improvement,	733 42
Oct.	"	"	Auction Tax,	742 39
	Aggregate amount of Receipts,			$293,007 87

CR.

The Disbursements of the Literary Fund for the same period, are as follows:

Cash paid for support of Common Schools for	1845,	61,466 01			
" " "	1846,	96,702 01			
				158,178	02
" Expense of Literary Board, including Printing,	1845,	850 12			
" " "	1846,	1,022 95			
				1,873	07
" For Education of the Deaf and Dumb,	1845,	2,046 58			
" " "	1846,	3,495 72			
				5,542	10
Nov. R. Myers, monies paid on account of Swamp Lands,	1845,			95	05
Making the sum of				$165,688	24
Which, deducted from the receipts, leave a balance in the hands of the Public Treasurer, as Treasurer of the Literary Fund, of				$127,319	63

III—FUND FOR INTERNAL IMPROVEMENT.

Balance due President and Directors of the Fund for Internal Improvement on the 1st of November, 1844,				51,166	01
Received Dividends on 112 shares of Stock held by the President & Directors of the Fund for Internal Improvement in the Bank of Cape Fear,	1845,	702 00			
" " "	1846,	672 00			
				1,374	00
" Cherokee Bonds,	1845,	7,355 65			
" " "	1846,	12,222 44			
				19,578	09
" Principal on loans,	1845,	1,534 96			
" " "	1846,	1,760 58			
				3,295	54
				75,413	64

CR.

DISBURSEMENTS OF INTERNAL IMPROVEMENT BOARD.

Paid expense of the Board of Internal Improvement, including			
Clerks wages,	1845,	315 25	
" "	1846,	359 25	
			674 50
" Joseph Cathy, compensation as a member of the Board on Cherokee Bonds,			190 00
" Jacob Siler, Do. do. do.			204 80
" E. Mitchell, for Surveying Western Turnpike,			400 00
Making an aggregate of			1,469 30
Which, deducted from the receipts, leave a balance in the hands of the Public Treasurer, as Treasurer of the Fund for Internal Improvement on the 1st of Nov. 1846, of			$73,944 24

RECAPITULATION.

The foregoing statement shows the balance of the different Funds on the 1st day of November, 1846.

Balance due Public Treasurer,		122,150 49
" " Literary Fund,	$127,319 63	
" " Internal Imp. Fund,	51,166 01	
	201,263 97	
Deduct balance due Pub. Treas.	122,150 49	
In Cash,	$79,113 48	

The above balance is disposed of as follows :

Deposit in Bank of the State,	$36,092 79
" " Cape Fear,	42,873 14
Cash in Notes in Treasury vault,	32 00
" " Silver,	4 18
" Treasury change,	18 37
" vouchers,	93 00
	$79,113 48

It will be necessary to take into your consideration the demands on the Treasury for the next two years over and above the ordinary expenses and to provide the means of meeting them. These demands all arise from liabilities for the Raleigh and Gaston Rail Road Company, and may be stated as follows: The State endorsed for the Company at one time, Bonds to the amount of $500,000, and at another $300,000 more. Of the last issue $13,000 were not used, and therefore that sum is to be substracted from the State's liabilities. Two instalments of $30,000 each have been also paid heretofore on the latter class of Bonds, so as to reduce the amount due on them to $227,000 and therefore the total value to $727,000. As it is yet uncertain what disposition the Legislature will make of the Rail Road, or what recoveries will be obtained from Stockholders and Subscribers on their individual obligations, and at what time any aid to the Treasury may be expected from these sources, it is important to ascertain the liabilities to be met before the next session of the Legislature and the resources at our command for that purpose. There will fall due—

1847.		
Jan. 1st.	3 payments of the Principal of the Bonds issued in 1841,	30,000 00
"	Interest 6 months on $727,000,	21,810 00
July 1st.	" " " 697,000,	20,910 00
1848.		
Jan. 1st.	4th payment of Principal on said Bonds,	30,000 00
"	Interest 6 months on 697,000,	20,910 00
July 1st.	" " " 667,000,	20,010 00
		$143,640 00

The ordinary expenses on an average for the last 10 years is 67,500 per year, which, being doubled for two years is 135,000 00

Making the whole liabilities for two years,	278,640 00
Add for interest on loans proposed to be made from the Literary Board on $8,500 00 of Rail Road Bonds now held by that Board and due 1st January, 1847, and Interest on say $60,000 of bonds and notes of individuals proposed to be borrowed from the same,	8,220 00
Making an aggregate of	$286,860 00

From present sources and rates of Revenue from taxes for two years,	172,000 00
Estimate of profits of the Raleigh and Gaston Rail Road Company, 12,000 per annum,	24,000 00
Rail Road bonds belonging to the Literary Board and due the 1st January, 1847, which it is proposed to borrow,	8,500 00
Bonds and notes of individuals to be taken on loan, say	60,000 00
	$264,500 00

Making a low estimate of the increase of Revenue from a new assessment of lands, and a fairer listing of polls, and an increased income from new objects of taxation, it is supposed that there can be readily raised a sufficient amount to meet the balance between the above sum of $286,860, and $264,500 of means.

By virtue of authority given by the last Legislature to borrow money to meet the liabilities of the State, the Public Treasurer, (my predecessor) in January, 1845, borrowed of the Bank of Cape Fear, $50,000, the interest on which has been paid semi-annually. That Institution, by its Charter, is bound to loan the State, upon a notice of three months, any amount not exceeding $150,000. It is with the Legislature to say, whether steps shall be taken to pay off this debt. If they should determine to pay a part or the whole, then additional means must be provided for that purpose.

The attention of the Legislature, through their Committee of Finance, is respectfully invited to the manner in which the accounts for the sale of the Cherokee Lands are kept in the Treasurer's and Comptroller's Offices.

That portion of the Public Revenue, accounted for by the Sheriffs, has been as usual, in every instance, paid into the Public Treasury within the period prescribed by law.

Respectfully submitted,

CHARLES L. HINTON,
Public Treasurer.

STATEMENT A.

Statement of the Nett Amount of the different Branches of Revenue for the years 1845–6.

PUBLIC FUND.

	1845.	1846.	Aggregate.
Tax on Land,	29,320 52	29,386 75	
Town property,	2,318 31	2,474 39	
Polls,	32,418 95	32,948 95	
Stud Horses,	1,280 92	1,438 78	
Gates,	244 40	235 00	
Stores,	9,223 28	9,800 08	
Artificial Curiosity,	761 40	1,184 40	
Natural "		267 90	
Billiard Tables,	940 00		
Negro Traders,	56 40	37 60	
Penalty,		200 00	
Pedlars,	3,318 25	2,989 20	
	79,882 43	80,963 05	
		79,882 43	160,845 48

DIVIDENDS.

Bank of Cape Fear,	120 00	
Buncombe Turnpike Company,		
Raleigh and Gaston Rail Road Co.	2,600 00	
Raleigh and Gaston Rail Road,	7,200 00	
		9,920 00
State Loan,	50,000 00	
Rufus Reid, for School Fund,	3 00	
Green Hill, sale of Rope,	5 50	
Revised Statutes,	907 35	
Patrick McGowen, sale of old Iron,	3 35	
R. M. Saunders, Note and Interest,	201 00	
Joseph Barnard, Exchange of Bells,	54 50	
James Puttick, sale of Rocks,	67 84	
Interest on Wilmington and Raleigh Rail Road Bonds,	6,000 00	
		57,241 54
		228,008 02

LITERARY FUND.

BANK DIVIDENDS.

Bank of the State of N. Carolina,	67,864 50	
Bank of Cape Fear,	63,864 00	
		131,728 50

NAVIGATION DIVIDENDS.

Roanoke Navigation Company,	1,625 00	
Cape Fear, " "	4,508 81	
		6,133 81

PRINCIPAL AND INTEREST ON LOANS.

Principal on Loans by Lit. Board,	19,760 32	
Interest on " " "	10,601 87	
Interest on " Internal Improvement Board,	1,395 59	
		31,757 78

PRIN. AND INTEREST ON RAIL ROAD BONDS.

Principal on Bonds of the Raleigh and Gaston Rail Road Company,	2,000 00	
Interest on do. do. do.	19,656 00	
Interest on Bonds of Wilmington and Raleigh Rail Road,	16,440 00	
		38,096 00

SUNDRIES.

Entries of Vacant Land,	13,488 22	
Tax on Auction Sales,	1,508 83	
Tax on Retailers of Spirits,	5,924 08	
Orange County, for School Fund,	41 25	
		20,962 38
		$228,678 47

FUND FOR INTERNAL IMPROVEMENT.

Principal on Loans,	3,295 54
Bank Dividends, Bank of Cape Fear,	1,434 00

CHEROKEE BONDS.

Received of	Jacob Siler, agent,	16,357 25	
"	Thos. L. Clingman, atto.	220 00	
"	Edmund Jones,	874 67	
"	N. S. Jarret,	24 36	
"	James W. Guinn,	43 00	
"	J. L. Dilliard & others,	1,496 96	
"	John Sudderth,	350 00	
"	James Calloway,	50 00	
"	M. Francis, atto. for A. Enloe,	125 00	
"	S. Enloe, and others,	36 85	
			19,578 09
			$24,307 63

STATEMENT B.

BANK STOCK.

5027 Shares in the Bank of the State.
5322 " " Bank of Cape Fear.

BELONGING TO THE LITERARY FUND.

112 Shares do. the Fund for Internal Improvement.
10 " unappropriated.

10471

TREASURY NOTES.

Amount issued,		262,000
" redeemed and burnt,	213,149 74	
" in vault of the Treasury,	18 37	
Unredeemed,	48,831 89	
		262,000

STATEMENT C.

Number of Insolvent Polls allowed Sheriffs of the following Counties, in their settlement for 1845–1846.

Sheriff of	Chatham County,	123
"	Davidson "	64
"	Catawba "	11
"	Edgecomb "	61
"	Cherokee "	70
"	Macon "	35
"	Greene "	13
"	Haywood "	25
"	Buncombe "	79
"	Wayne "	71
"	Richmond "	50
"	Rockingham "	146
"	Sampson "	68
"	Pasquotank "	36
"	Wilkes "	107
"	Halifax "	156
"	Rutherford "	140
"	Cleveland "	4
"	Northampton "	119
"	Gates "	84
"	Chowan "	34
"	Montgomery "	83
"	Hertford "	53
"	Moore "	15
"	Guilford "	152
"	Franklin "	128
"	Stanly "	40
"	Washington "	17
"	Onslow "	70
"	Duplin "	8
"	Cumberland "	58
"	Pitt "	34
"	Yancy "	107
"	Caldwell "	51
"	McDowell "	65
"	Davie "	6
"	Stokes "	128
"	Anson "	181
"	Wake "	99
"	Craven "	38
"	Surry "	126

STATEMENT D.

STATE OF THE MERCHANTS' BANK OF

Gold and Silver,		79,739 96
Notes of the Bank of the State of North Carolina,	3,660 00	
Notes of the Bank of Cape Fear,	6,522 00	
Notes of the Bank of New York, Virginia, and South Carolina,	431 00	
		10,313 00
Real Estate,		6,968 90
Bills of Exchange,		56,552 22
Bills receivable,	273,245 78	
Suspended debt,	7,533 68	
		280,779 46
Bank of Cape Fear, Wilmington,	1,231 60	
" " " Raleigh,	25 60	
Merchants' Bank, Baltimore,	2,750 92	
Fulton Bank, New York,	58,386 10	
		62,394 22
		$496,747 76

Capital Stock,			225,000 00
Notes in Circulation,			199,850 00
Deposits,			40,270 72
Profit and Loss, 6 months Nett,	10,105 92		
Do General Surplus,	3,800 02		13,905 94
Dividends unpaid,			1,526 00
Bank of Cape Fear, Washington,	1,695 10		
Bank of the State, Newbern Branch,	14,500 00		16,195 10
			$496,747 76

W. W. CLARKE, Cashier.

(STATEMENT D, CONTINUED.)

STATE OF THE MERCHANTS' BANK

Gold and Silver,	94,681 87
Notes of Foreign Banks,	503 00
" of North Carolina Banks,	68,613 00
Real Estate,	6,968 90
Bills of Exchange,	57,075 00
Bills Protested,	1,500 00
Bills Receivable,	249,095 08
Suspended Debt,	6,508 60
Due from other Banks,	79,599 18
	564,544 63

OF NEWBERN, 27TH MAY, 1846.

Capital Stock,	225,000 00
Notes in Circulation,	258,192 00
Deposit,	45,645 28
Profit and Loss, 6 months Nett,	10,992 99
Gen. do. do.	8,253 46
Dividend unpaid,	2,730 00
Due to other Banks,	13,730 90
	$564,544 63

W. W. CLARKE, Cashier.

STATEMENTS

OF THE

BANK

OF THE

STATE OF NORTH CAROLINA,

FROM NOVEMBER, 1834,

TO

November, 1845, inclusive.

STATEMENT G.

Showing the amount of Bank Notes issued by the Bank, and its Branches, from September 1834, to January 1st, 1846.

The Stockholders having taken the same into consideration, on motion of Gov. MOREHEAD, it was

Resolved unanimously, That said Statements be published in Pamphlet form, under the direction of the President, for the information of the Stockholders.

A copy from the Minutes,

THOMAS SETTLE, *Chairman.*

WESTON R. GALES, *Secretary.*

(A.)

A STATEMENT,

Showing the Means and Liabilities of the Bank of the State of North Carolina, from November 1834, *to November* 1844, *inclusive.*

MEANS.

	Notes discounted and other securities.	Bills of Exchange.	Real Estate.	Due from Foreign Banks.	Notes of other Banks.	Specie.
1834	520,920 79	185,400 59	15,332 89	490,323 06	133,272	117,375 16
1835	2,003,030 96	328,503 45	24,368 45	351,171 97	76,072	301,637 79
1836	3,140,344 90	848,501 33	34,346 98	84,672 75	75,961	747,650 41
1837	2,545,504 74	418,545 33	35,311 13	164,681 87	27,438	503,557 22
1838	1,983,594 40	591,619 79	37,197 68	139,499 82	41,187	512,772 53
1839	2,102,078 50	636,211 54	37,433 91	75,137 09	43,438	381,662 87
1840	1,936,207 87	394,772 82	38,782 09	152,853 11	68,059	411,267 78
1841	1,856,818 32	364,154 55	40,094 07	124,761 63	74,432	460,856 49
1842	1,740,036 43	324,808 87	52,584 57	27,937 50	21,374	517,190 45
1843	1,964,356 01	322,132 97	45,149 38	83,327 63	51,768	530,707 25
1844	1,929,248 59	368,180 20	42,022 38	136,615 82	91,401	576,474 47

LIABILITIES.

	Capital Stock.	General Profit and loss.	Contingent Fund.	Treasurer of U. States and P. O. Department.	Pension Office.	Public Treasurer of North Carolina & *Int. Imp. Bo'd.	Due to Foreign Banks.	Notes in Circulation.	Dividends unpaid.	Individual Deposites.
1834	755,938 69	7,328 50					196,680 64	379,900		118,601 46
1835	1,096,600	54,429 29		74,265 11		53,832 28	164,078 69	1,259,656	2,322	341,953 15
1836	1,500,000	152,471 18		680,336 11	46,871 56	25,643 68	184,632 87	2,080,925	3,183	316,430 65
1837	1,500,000	147,625 33		13,631 37	35,413 42	*287,051 98	277,139 20	1,120,055	287 75	237,591 78
1838	1,500,000	253,746 49	15,000	699 99	25,011 45	32,169 78	138,536 50	1,058,918	1,679 75	295,273 49
1839	1,500,000	227,885 69	30,000	21 25	7,591 76	16,528 28	125,430 09	1,195,245	2,397 25	179,199 12
1840	1,500,000	225,865 15	9,717 18	21 25	9,205 30	50,570 71	41,146 92	995,788	2,355 25	171,257 43
1841	1,500,000	244,116 65	141 61	21 25	17,592 61	47,498 49	46,597 65	898,912	1,389 25	179,708 89
1842	1,500,000	237,780 06	486 48	21 25	10,289 52	48,423 63	13,473 40	675,038	1,446 25	197,030 82
1843	1,500,000	248,879 59	278 31	21 25	9,557 39	38,953 33	42,312 92	943,675	1,187	227,285 34
1844	1,500,000	180,462 85	145 18		16,793 77	23,682 91	21,290 64	1,118,693	2,434	295,246 48

C. DEWEY, *Cashier.*

(B.)

A STATEMENT,

Showing the Liabilities and Resources of the Bank of the State of North Carolina, 22d November, 1845.

LIABILITIES.

	Capital Stock.	Circulation.	Deposits.	Due to Foreign Banks.	Due to Bank of the State and Branches.	Public Treasurer of North Carolina.	Treasurer of U. States and Pension Office.	General Profit and Loss and Contingent Fund.	Dividends Unpaid	Total of Liabilities.	Nett Profits for 12 months, ending 22d Nov. 1845.	Rate per cent. on the Capital for 12 months.
Raleigh / Morganton	400,000	217,668	87,623 08	8,963 14	72,452 93	24,762 92	76 34	222,843 53	1,102	1,035,491 94	29,502 77	7 37
Newbern	150,000	202,943	55,871 90	2,809 78	8,893 78				270	420,788 46	17,219 83	11 48
Tarboro'	150,000	149,601	24,206 16		4,594 37				198	328,599 53	9,876 48	6 58
Fayetteville	250,000	171,354	9,513 69	162 75	10,119 31		24,918 80		48	466,116 55	16,081 62	6 43
Wilmington	250,000	250,866	78,586 94		60,783 77				105	640,341 71	28,250 85	10 30
Elizabeth City	100,000	96,851	14,399 68	8,112 17	4,207 80					223,570 65	7,288 81	7 28
Charlotte	100,000	150,468	19,259 09						966	270,693 09	11,210 41	11 21
Milton	100,000	84,662	6,967 46		4,848 14					196,477 60	4,134 36	4 13
	1,500,000	1,324,413	296,428 00	20,047 84	165,900 10	24,762 92	24,995 14	222,843 53	2,689	$3,582,079 53	123,565 13	av'e pr.ct.8 23

RESOURCES.

	Notes Discounted and other Securities.	Bills of Exchange.	Total Debt.	Real Estate.	Due from Foreign Banks.	Due from Bank of the State and Branches.	Notes of other Banks.	Specie.	Total of Resources.	Interest on Debts due to 24th Nov. and unrenewed.
Raleigh / Morganton	517,426 42	68,262 77	585,689 19	42,865 49	32,005 57	143,440 87	27,848	185,893 82	1,017,742 94	10,696 70
Newbern	270,113 35	57,948 50	328,061 85		34,106 92	2,297 30	5,659	54,663 39	424,788 46	278 18
Tarboro'	164,362 00	59,907 78	224,269 78		46,162 22	2,318 08	2,241	54,000 45	328,991 53	188 27
Fayetteville	311,204 47	30,006 46	341,210 93	500	55,001 75	3,807 76	8,927	58,099 11	467,546 55	1,384 87
Wilmington,	340,418 30	172,693 47	513,111 77		12,265 72		2,930	118,034 22	646,341 71	830 69
Elizabeth City	138,257 52	28,734 53	166,992 05		707 43	253 73	1,951	54,988 44	224,892 65	1,759 34
Charlotte	159,173 53	14,870 03	174,043 56		12,780 36	3,350 19	607	83,846 98	274,628 09	6,429 88
Milton	122,167 83	9,327 21	131,495 04		8,416 60		12,906	44,329 96	197,147 60	17 87
	2,023,123 42	441,750 75	2,464,874 17	43,365 49	201,446 57	155,467 93	63,069	653,856 37	$3,582,079 53	21,585 80

C. DEWEY, *Cashier.*

(C)

GENERAL STATEMENT CONDENSED.

SHOWING THE CONDITION OF THE BANK OF THE STATE OF NORTH CAROLINA, NOVEMBER 22D, 1845.

Discounted Debt,	2,023,123 42	Capital Stock,	1,500,000 00
Bills of Exchange,	441,750 75	Notes in Circulation,	1,324,413 00
Real Estate,	43,365 49	Deposits,	296,428 00
Due from other Banks,	186,924 51	Public Treasurer of North Carolina,	24,762 92
Notes, of other Banks and Checks,	63,069 60	Treasurer of U.States and Pension Office,	24,995 14
Specie,	653,855 77	General Profit & Loss & Conting't Fund,	222,843 53
		Bills and Checks in Transitu,	10,432 17
Dollars,	3,412,089 54	Dividends Unpaid,	2,689 00
		Due to other Banks,	5,525 78
		Dollars,	3,412,089 54

C. DEWEY, CASHIER.

STATEMENT, *Showing the condition of the Bank of*

	Nov. 1844.	Nov. 1845.
Discounted Debt,	1,929,248 59	2,023,123 42
Bills of Exchange,	368,180 20	441,750 75
Real Estate,	42,022 38	43,365 49
Due from other Banks,	136,615 82	186,924 51
Notes of other Banks & Checks,	92,430 52	63,069 60
Specie,	576,474 47	653,855 77
Bills and Checks in Transitu,	12,776 85	
Dollars	3,157,748 83	3,412,089 54

the State of North Carolina, for November 1844 *and* 1845.

	Nov. 1844.	Nov. 1845.
Capital Stock,	1,500,000 00	1,500,000 00
Notes in Circulation,	1,118,693 00	1,324,413 00
Deposits,	295,246 48	296,428 00
Due to other Banks,	21,290 64	5,525 78
Public Treasurer of N. Carolina,	23,682 91	24,762 92
Treasurer of United States and Pension Office,	15,793 77	24,995 14
Dividends unpaid,	2,434 00	2,689 00
General Profit and Loss and Contingent Fund,	180,608 03	222,843 13
Bills and Checks in Transitu,		10,432 17
Dollars,	3,157,748 83	3,412,089 54

C. DEWEY, Cashier.

(G.)

STATEMENT,

Showing the Amount of "Bank Notes" issued by the Bank of the State of North Carolina and Branches, from September, 1834, to January 1st, 1846.

Where issued.	Sheets.	Amount.	Cancelled.	
*Principal Bank, Raleigh,	36,147	1,439,958	936,451	
Branch at Newbern,	11,000	414,600	63,168	
" Tarboro'	10,700	400,800	27,196	
" Fayetteville,	11,250	444,500	49,895	
" Wilmington,	13,000	441,500	94,680	
" Elizabeth City,	8,950	283,100	19,727	
" Charlotte,	5,700	179,000	75	
" Milton,	4,100	120,000		
	100,847	3,723,458	1,191,192	
Amount of Notes issued,		3,723,458		
" Cancelled,		1,191,192	2,532,266	
Amount of Notes on hand,		1,207,853		
" in Circulation,		1 324,413	2,532,266	
Number of Notes issued,				403,388

*Including 200 single Notes of $100 each.

C. DEWEY, Cashier.

(E.)

STATEMENT

Of Dividends declared by the Bank of the State of North Carolina, and amount of Dividends and Tax paid the State of North Carolina, from July 1835 to January 1846, inclusive.

Date.	Capital.	No. of Dividend.	Rate per ct.	Amount of Dividend.	Amount received by the State.		
					Dividend.	Tax.	Total.
July 1835	1,085,000	1	2½	27,125	4,625	2,250	6,875
January 1836	1,096,000	2	4	43,864	7,864		7,864
July "	1,206,100	3	3½	39,198 25	9,948 25	2,250	12,198 25
January 1837	1,500,000	4	4	60,000	24,000		24,000
October "	1,500,000	5	¼	3,750	1,250	2,250	3,500
July 1838	1,500,000	6	5½	78,750	26,250	2,250	28,500
January 1839	1,500,000	7	5	75,000	25,000		25,000
July "	1,500,000	8	5½	78,750	26,250	2,250	28,500
January 1840	1,500,000	9	3	45,000	15,000		15,000
July "	1,500,000	10	3½	48,750	16,250	2,250	18,500
January 1841	1,500,000	11	3	45,000	15,000		15,000
July "	1,500,000	12	3½	48,750	16,250	2,250	18,500
January 1842	1,500,000	13	3	45,000	15 000		15,000
July "	1,500,000	14	3½	48,750	16,250	2,250	18,500
January 1843	1,500,000	15	3	45,000	15,000		15,000
July "	1,500,000	16	3½	48,750	16,337 75	2,243 25	18,581
January 1844	1,500,000	17	3	45,000	15,081		15,081
July "	1,500,000	18	3½	48,750	16,337 75	2,243 25	18,581
January 1845	1,500,000	19	3	45,000	15,081		15,081
July "	1,500,000	20	3½	48,750	16,337 75	2,243 25	18,581
January 1846	1,500,000	21	4	60,000	20,108		20,108
				$1,028,937 25	$333,220 50	$24,729 75	$357,950 25

Total amount of Dividends, $1,028,937 25—being $68\frac{50}{100}$ per cent.

Total amount of Dividends from January, 1837, (from which time the Capital was full,) to January 1846, $918,750—being $61\frac{25}{100}$ per cent. an average of $6\frac{80}{100}$ per annum.

Average Capital for 18 months up to January 1837, $1,129,033⅓. Dividends $110,187 $\frac{25}{100}$—average of $6\frac{50}{100}$.

C. DEWEY, Cashier.

(F.)

CONTINGENT FUND ACCOUNT,

Showing the Losses by bad debts at the different points of the Institution, and the appropriations to cover the same.

1838 June 16	One per cent. on the Capital Stock out of the profits	15,000
1839 June 15	" " "	15,000
1840 June 18	" " "	15,000
" "	Additional sum over one per cent.	8,518 73
1844 May 15	General Profit and Loss by order,	92,000
	Dollars	145,518 73

Loss at Principal Bank and Agencies, to November, 1845,	67,866 94		
Less amount recovered,	7,361 51	60,505 43	
" at Newbern Branch,		3,136 35	
" at Tarboro' Branch,		8,849 34	
" at Fayetteville Branch,	52,582 24		
Less amount recovered,	357 93	52,224 31	
" at Wilmington Branch,	3,900		
Less amount recovered,	600	3,300	
" at Elizabeth City Branch,		9,943 39	137,958 82
Balance to credit of Contingent Fund,		Dollars,	7,559 91

Total Loss $137,958 82 being 9 $\frac{19}{100}$ per cent. on the Capital. And an average of $\frac{82}{100}$ of one per cent. per annum for 11¼ years.

C. DEWEY, Cashier.

NOTE.

The Principal Bank commenced operations,			Sept.,	1834.
" Branch at	Newbern,	"	Oct.	"
" "	Tarboro'	"	"	"
" "	Fayetteville,	"	Sept.,	1835.
" "	Wilmington,	"	Jan.,	1836.
" "	Elizabeth City,	"	Oct.,	"
" "	Charlotte,	"	April,	1844.
" "	Milton,	"	"	1845.

C. DEWEY, Cashier.

STATEMENTS

OF

THE BANK OF CAPE FEAR,

FROM

MAY, 1835, TO MAY, 1846.

BANK OF CAPE FEAR,
WILMINGTON, May 4th 1846.

At the general annual meeting of the Stockholders of this Bank, held this day, at their Banking House, the President laid before the meeting the following statements, showing the condition of the Bank, Branches and Agencies, from May, 1835, to May, 1846, inclusive.

STATEMENT A.

Showing the Means and Liabilities of the Bank of Cape Fear from May, 1835, to May, 1846, inclusive.

STATEMENT B.

Showing the Liabilities and Resources of the Bank of Cape Fear, May 1st, 1846.

STATEMENT C.

General statement condensed, showing the condition of the Bank of Cape Fear, May 1st, 1846.

STATEMENT D.

Showing the condition of the Bank of Cape Fear, for May, 1845, and May, 1846.

STATEMENT E.

Showing the amount of Dividends declared by the Bank of Cape Fear, and amount of Dividend and Tax paid the State of North Carolina, from May, 1835, to May, 1846, inclusive.

STATEMENT F.

Showing the nett Profits, exclusive of State Tax and the aggregate Bad Debt at Bank and Branches, to May 1st, 1846.

STATEMENT G.

Showing the suspended Debt of the Bank of Cape Fear, May 1st, 1846.

The above Statements having been considered,

On motion of Col. E. SHOBER, it was

Resolved, unanimously, That the said Statements be published in Pamphlet form, under the direction of the President, for the information of the Stockholders. And that the State be furnished with 20 copies and each individual Stockholder with 1 copy.

A copy from the Minutes.

E. B. DUDLEY, *President.*

G. R. FRENCH, *Secretary.*

(A.)

A STATEMENT,

Showing the Means and Liabilities of the Bank of Cape Fear, from May, 1835, to May, 1846, inclusive.

		Capital Stock.	Circulation.	Deposits.	Due to Banks.	Unp'd Dividends.	Contingent Fund.	Profit and Loss.	Specie.	Deposits in For'gn Banks.	Notes of F'gn B's on hand.	Notes of N. C. Banks on hand.	Due by Banks in N. C.	Bills of Exch'e. in suit.	Real Estate.	Debt.
May	1835	530,140	695,747	112,952	145,821	2,214	—	209,943	119,381	448,732	20,159	—	13,282	—	76,916	1,019,317
"	1836	651,020	867,695	213,951	6,657	1,726	—	37,866	107,469	485,665	69,587	—	57,839	—	77,116	980,239
"	1837	800,000	870,615	314,707	19,999	2,428	—	53,271	167,104	560,873	136,724	—	9,216	—	82,242	1,448,181
"	1838	800,000	882,645	164,174	36,594	3,777	—	21,807	173,062	295,143	52,139	—	161,878	—	85,857	1,588,428
"	1839	1,382,100	1,090,860	246,511	60,222	1,821	—	63,871	171,805	375,987	160,420	—	41,934	—	86,464	2,008,775
Aug.	1840	1,500,000	902,696	180,893	71,579	2,447	—	36,950	267,084	493,342	76,790	42,875	26,136	9,010	49,216	1,730,112
Jan.	1841	1,500,000	1,016,380	208,215	29,050	1,488	—	66,814	343,140	465,216	122,105	46,361	39,736	9,221	54,495	1,741,673
"	1842	1,500,000	962,197	217,209	21,115	39,298	26,271	5,886	365,548	270,067	125,422	113,276	18,766	46,019	63,047	1,769,831
"	1843	1,500,000	735,241	157,165	13,037	46,250	61,749	5,563	331,038	206,504	120,500	77,910	40,056	39,857	62,615	1,640,525
"	1844	1,500,000	979,743	180,167	22,819	1,698	67,674	45,000	358,281	339,740	84,984	80,648	57,924	29,845	66,153	1,779,526
"	1845	1,500,000	1,157,880	198,670	42,839	2,176	65,371	31,239	477,203	336,772	152,367	24,851	98,634	24,515	66,428	1,826,298
"	1846	1,500,000	1,478,190	262,159	36,010	209	5,699	41,208	604,850	535,208	144,305	148,958	33,818	4,307	70,532	1,784,913
May	1846	1,500,000	1,528,292	202,567	16,627	45,249	23,559	6,700	552,515	623,034	97,730	131,477	27,291	—	66,648	1,817,906

THOMAS H. WRIGHT, Cashier.

(B.)

Showing the Liabilities and Resources of the Bank of Cape Fear, May 1st, 1846.

LIABILITIES.

	Capital Stock.	Bank Notes Issued.	Deposites.	Dividends Unpaid.	Due to Banks.	Contingent Fund.	Profit and Loss.
At Bank	1,500,000	1,018,987	68,131	45,249	8,687	23,559	
Fayetteville		300,809	49,876		302		2,508
Salem		37,189					856
Hillsborough							60
Washington		242,090	34,392		5,685		895
Salisbury		229,816	9,498		635		1,059
Raleigh		42,759	34,581		1,318		532
Asheville		139,806	6,089				796
	1,500,000	2,011,456	202,567	45,249	16,627	23,559	6,706

(STATEMNET B, CONTINUED.)

RESOURCES.

At Bank	Specie.	Deposites in Foreign Banks	Notes of Foreign Banks on hand.	Due by Banks in North Ca'na	Notes of N. Carolina Banks.	Notes of this Bank on hand.	Real Estate.	Bills of Exch'ge In suit.	Debt.
Fayetteville	216,310	365,906	5,875		38,802	246,057	18,411		494,124
Salem	101,310	85,632	55,914	22,603	27,919	81,526	13,726		418,394
Hillsborough	7,894		3,204		1,223	11,375	1,411		233,035
Washington	58,872	82,504	353	4,688	22,972	42,509	10,236		11,381
Salisbury	109,425	12,425	10,708		10,752	16,821	7,317		119,936
Raleigh	27,437	12,149			15,500	57,703	11,967		199,269
Asheville	31,267	64,418	21,676		14,309	27,173	3,580		182,817
	552,515	623,034	97,730	27,291	131,477	488,164	66,648		158,350
									1,817,906

Profits for 6 months ending May 1st, 1846, $62,860
Viz: Dividend 73d, $45,000
Carried to Contingent Fund, 17,860

$62,860 or 4 19 100 pr. c. for 6 mo.

THOMAS H. WRIGHT, CASHIER.

(C.)

GENERAL STATEMENT CONDENSED.

Showing the condition of the Bank of Cape Fear, May 1st, 1846

RECAPITULATION.

Capital Stock,	1,500,000
Notes in Circulation,	1,528,292
Deposits,	202,567
Dividends Unpaid,	45,249
Due to Banks,	16,627
Contingent Fund,	23,559
Profit and Loss,	6,706
In transitu,	
	3,323,000

RECAPITULATION.

Specie,	552,515
Deposits in Foreign Banks,	623,034
Notes of Foreign Banks on hand,	97,739
Due by Banks in North Carolina,	27,291
Notes of North Carolina Banks on hand,	131,477
Real Estate,	66,648
Bills of Exchange in suit,	
Debt,	1,817,906
In transitu,	6,399
	3,323,000

THOMAS H. WRIGHT, Cashier.

(D.)

Showing the condition of the Bank of Cape Fear, for May 1845 *and* 1846.

	1845.	1846.
Capital Stock,	1,500,000	1,500,000
Notes in Circulation,	1,133,488	1,528,292
Deposits,	194,769	202,567
Dividends unpaid,	642	249
Due to Banks,	32,073	16,627
Contingent Fund,	65,231	5,699
Profit and Loss,	59,475	69,566
In Transitu,	2,640	

	1845.	1846.
Specie,	438,710	552,515
Deposits in Foreign Banks,	376,915	623,034
Notes of Foreign Banks on hand,	117,014	97,730
Due by Banks in North Carolina,	41,036	27,291
Notes of N. Carolina Banks on hand,	96,915	131,477
Real Estate,	66,821	66,648
Bills of Exchange,	24,489	
Debt,	1,826,418	1,817,906
In Transitu,		6,399

THOS. H. WRIGHT, CASHIER.

(E.)

Statement of Dividends declared by the Bank of Cape Fear, and amount of Dividends and Tax paid the State of North Carolina, from May, 1835, to May, 1846, inclusive.

Date	Capital.	No. of Dividend.	Rate of pr.c. Dividend and Tax.	Amo'nt of Divid'd.	Am't rec'd by the State.		
					Divid'd.	Tax.	Total.
1835	530,140	51	5	26,507	10,610	—	10,610
1835	531,200	52	1	5,312	2,122	—	2,123
1835	531,200	53	3¾	19,920	7,427	798	8,225
1836	651,020	54	4	26,040	8,488	—	8,488
1836	683,920	55	8	54,712	16,976	—	16,976
1836	800,000	56	2½	18,000	4,244	798	5,042
1837	800,000	—	¼	——	——	1,382	1,382
1838	800,000	57	7	56,000	14,854	—	14,854
1838	800,000	58	4½	34,000	9,549	—	9,549
1838	1,382,100	59	5¼	72,023	26,645	1,770	28,415
1839	1,382,100	60	4	55,286	21,316	—	21,316
1839	1,382,100	61	4¼	58,741	21,316	2,123	23,439
1840	1,382,100	62	2½	34,552	13,323	—	13,323
1840	1,500,000	63	3¾	48,750	16,332	2,190	18,522
1841	1,500,000	64	3	45,000	16,332	—	16,332
1841	1,500,000	65	2¾	41,250	13,610	2,389	15,999
1842	1,500,000	66	3¼	48,750	16,332	2,389	18,721
1843	1,500,000	67	3	45,000	16,332	—	16,332
1843	1,500,000	68	3¼	48,750	16,332	2,389	18,721
1844	1,500,000	69	2	30,000	10,888	—	10,888
1844	1,500,000	70	3¼	48,750	16,332	2,389	18,721
1845	1,500,000	71	3	45,000	16,332	—	16,332
1845	1,500,000	72	3¼	48,750	16,332	2,389	18,721
1846	1,500,000	73	3	45,000	16,332	—	16,332
——	——	—	——	——	——	——	——
			84¾	946,093	328,356	21,000	349,362

Dividends 84¾ per cent. for 11½ years, being an average of 7 57-100 per annum.

THOS. H. WRIGHT, Cash'r.

(F.)

STATEMENT *showing the nett Profits, exclusive of State Tax, and the aggregate Bad Debt at Bank and Branches, to 1st May, 1846.*

	1840.	1841.	1842.	1843.	1844.	1845.	1846.	Total for 6½ years.	Bad Debt charged off from Jan. 1836, to May, 1846.
At Bank,	26,011	28,825	19,971	21,263	32,582	25,014	18,292	171,958	14,656 47
Fayetteville,	29,222	19,222	21,568	19,364	32,228	24,372	11,233	157,209	65,312 35
Salem,	10,933	7,785	10,050	7,805	14,028	13,611	6,758	70,970	3,787 56
Hillsborough,	10,881	6,092	8,139	5,070	8,232	3,545	4,363	46,322	6,319 00
Washington,	8,135	8,531	8,031	9,837	14,124	10,545	7,083	66,289	14,999 35
Salisbury,	9,220	11,888	12,355	10,205	15,254	10,571	4,831	74,324	4,000 00
Raleigh,	8,187	7,622	6,493	6,892	11,466	8,397	5,208	54,265	3,036 48
Asheville,	—	—	—	—	4,426	7,360	5,088	16,874	
								$658,211	$112,111 21

THOMAS H. WRIGHT, Cashier.

(G.)

STATEMENT

Showing the Suspended Debt of the Bank of Cape Fear, May 1st, 1846.

Wilmington,	8,399
Fayetteville,	6,853
Raleigh,	10,903
Salisbury,	3,470
Washington,	1,220
Salem,	3,041
Hillsborough,	5,336
Asheville,	0,000
	$39,222

THOS. H. WRIGHT, Cashier.

REPORT

FROM

THE PUBLIC TREASURER,

IN RELATION TO

CHEROKEE LANDS.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

TREASURY OFFICE,
December 19th, 1846.

To the Honorable Speaker of the Senate:

SIR:—In obedience to a Resolution, calling on the Treasurer to "report to the Senate the amount of Cash paid into the Treasury of the State for Cherokee Lands, since the Treaty of 1819 made with the Cherokee Indians."

And 2d, "that the Treasurer be instructed to furnish the Senate with a statement, shewing the amount paid each Commissioner appointed more effectually to secure the debts due for Cherokee Lands; and the gross amount of Bonds taken by said Commissioners for the rent of said Lands."

REPORTS.

That previous to the winter of 1827 and 1828, there were no regular Books kept in this office, from which such information can be derived up to that period. With

regard to the second Resolution, the Public Treasurer states, that Joseph Cathey, one of the Commissioners, received as compensation under the Act referred to, one hundred and ninety dollars; and that Jacob Siler, the other Commissioner, received two hundred and four dollars and eighty cents. The gross amount of Bonds taken by said Commissioners for rents of lands, that were surrendered, as appears from a communication made to the Legislature by his Excellency, Gov. Graham, is seven hundred and thirty-eight dollars and ten cents.

Respectfully submitted,

C. L. HINTON, *Pub. Treas.*

MESSAGE

FROM

HIS EXCELLENCY, GOV. GRAHAM,

COMMUNICATING

REPORT

OF PROFESSOR MITCHELL,

ON THE

Turnpike from Raleigh, West.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

MESSAGE.

To the Honorable the General Assembly
of North Carolina:

I enclose herein, the Report of the Reverend Doctor Mitchell, the Engineer appointed under the Act of the last Session of the General Assembly, to make a survey for a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the Georgia line, with a branch on the Eastern side of the Yadkin River to the Town of Fayetteville.

I have not had leisure to give the Report an attentive perusal, but hope the Legislature will find the work to which it relates, worthy to be immediately undertaken. It does seem to me, a most appropriate disposition of the funds raised from the sale of Cherokee Lands, to devote them to the construction of a good highway from that distant part of the State to the Capitol, and one of our chief market towns.

The Plots of this survey may be expected in a few days, the Engineer being now engaged busily in their completion.

WILL. A. GRAHAM.

Executive Department,
Dec. 3rd, 1846.

REPORT.

To His Excellency, WILLIAM A. GRAHAM.

SIR: The Act of the Legislature under which I had the honor of an appointment from you, prescribes the duties to be performed in the words following:

"It shall be the duty of the Governor of this State, before the third Monday of November, 1846, to cause a survey to be made with a view to making a Turnpike Road from Raleigh, west to the Buncombe Turnpike road, thence to the Georgia State line in Cherokee County in this State—also from the town of Fayetteville, to intersect the same at some point east of the Yadkin river.

"*Be it further enacted*, That the engineer making such survey, be required to examine and report upon both of the routes over which the mail stages now run from Raleigh to Asheville, and that he furnish estimates of the probable cost of making a turnpike road or roads on the different sections of said road."

That the business might be so performed as to be satisfactory to the Legislature, it seemed necessary to enquire what are the particular ends to be accomplished by the construction of the roads in question. That leading from Raleigh west is understood to have been proposed and favored by the gentlemen from the western part of the State.

When a County is laid off and a Court House built, roads are immediately opened from the outskirts of the County, giving to all its population free access to the seat of justice. As Raleigh is the seat of the Legislative, Executive and Supreme Judicial authority, and the Treasury and all the other public offices are there, the people of the remote west may well claim it as an act of simple justice to themselves, that something should be done to facilitate their communications with the Capital; especially as what might be done for their benefit would also accommodate the population of the country along the whole line of the route. Murphy, the County seat of Cherokee, is 370 miles from Raleigh, by the shortest road that can be travelled.

There will be a perpetual stream of travel flowing from North Carolina into Tennessee, and from Tennessee into North Carolina, which will also increase if it may be accomplished over good roads, and for the accommodation of which, it seems that there should be one good road leading from east to west through the State.

It is most desirable that the eastern and western sections of this great Commonwealth should be bound together by an easy and free communication between them. An intelligent gentleman in the western part of the State remarked to me that as things now are, he has less to do with the people on the northern side of the Albemarle Sound, than with those of some of the remotest regions of the globe.

Trade will always increase with the increasing ease and freedom of communication, though the influence of an eastern and western turnpike upon the amount of traffic would not probably be very considerable. It is in a direction nearly at right angles to this, that the produce of the central and western Counties finds a market, and manufactured goods and the productions of foreign countries are returned.

People travelling the eastern and western road will generally wish to pass through the villages and County

seats; it is along lines leading from town to town, that the conveyance of the mail must be effected, and that short journeys on business will be made. If a good road were opened, which avoided the villages and passed over the intermediate ground, it would be very little frequented. Such a road there might be leading from Chapel Hill, midway between Greensboro' and Ashboro', to Lexington—beyond Salisbury the position of the two good fords of the Catawba, and a chain of mountains extending from the Blue Ridge eastward, between the Counties of Burke and Rutherford, compels us to keep either the upper or lower stage route. The act, therefore, wisely directs that particular attention shall be given to the routes over which the mail stages now run.

The first thing to be done, was to make out an accurate map or plot of the existing roads, to ascertain their length, and whether they are tolerably straight, and if not, on which side we are to search for a route combining in the greatest possible degree the two qualities of directness and goodness of ground. The two routes were therefore surveyed with the chain and compass from Raleigh to Asheville. Beyond the last named village, the survey was not carried; not because the section beyond is less important than the rest, but because the distance to the Georgia line is already sufficiently known; and we are, by the positions of the different County seats and the passes of the mountains, (except in a few cases,) confined very much to a single track.

The survey was first plotted on a scale of sixteen inches to a mile, on seventy sheets, each containing from four to seven sections of the road, and which accompany this report. The use of this scale was rendered necessary by the shortness of some of the courses. It was afterwards reduced to a scale of 4-5ths of an inch to a mile on six sheets, and finally to a scale of 1-15th of an inch to a mile on two sheets, where will be seen at a glance the courses of the roads as they now run. Small windings, for the purpose of passing creeks and branches

or avoiding hills, will of course disappear on this reduced scale.

In general, the existing roads exhibit less considerable deviations from a straight line than might have been expected. The distance from town to town, or other important points, as the road runs, and in a straight line, is given below. That from Chapel Hill to Greensboro' is given direct. The road by Hillsboro' is about ten miles longer, but is one that will never be followed in all its windings by a turnpike. It will be taken in hand in a few days, and perhaps finished in time to be added to this report, before the question of constructing these roads shall have been decided by the Legislature.

That in measuring upwards of 4000 angles with the compass, and as many lines with the chain, laying all these down on paper, and reducing them from one scale to another, no errors have been committed, is not to be expected. It is hoped and believed that they are neither numerous nor important.

	MILES.	YARDS.	DIRECT.
From Raleigh to Chapel Hill, Road	28	462	
Chapel Hill to Greensboro',	49	346½	
Greensboro' to Lexington,	34	1210	
Lexington to Salisbury,	16	1567½	
Salisbury to Statesville,	26	368½	
Statesville to Island Ford,	12	946	
Island Ford to Morganton,	36	825	
Morganton to Buck Creek,	25	577½	
Buck Creek to Top of Ridge,	15	880	
Top of Ridge to Asheville,	18	1089	
Salisbury to Asheville, upper route,	134	434½	
Salisbury to Asheville, lower route,	136	1655½	
From Raleigh to Pittsboro',	34	1490½	
Pittsboro' to Ashboro',	39	748	
Ashboro' to Salisbury,	44	231	
Salisbury to Beatty's Ford,	32	286	

	MILES.	YARDS.	DIRECT.
Beatty's Ford to Lincolnton,	18	44	
Lincolnton to Rutherfordton,	43	913½	
Rutherfordton to Top of Ridge,	27	517	
Top of Ridge to Asheville,	42	407	

Of the kind of Road to be Built.

A Macadamized or Rock Turnpike, cannot be constructed at any expense which the Legislature would be willing to incur, or which would be within the means of a chartered company: if for no other reason, from a deficiency of proper materials, through long distances. The best materials for such roads, should have four distinct qualities: hardness, toughness, uniformity of texture, and the absence of liability to disintegrate, under the action of the weather. Limestone wants the first two, but possessing the two last, is used in many places, though it wears out pretty rapidly. Most granite is unfit for this purpose. White flint, though hard enough, is brittle. There is a space of fifteen miles on each of the roads—on one, between Raleigh and Pittsboro', and on the other, between Raleigh and Chapel Hill—over which a stone Turnpike could not be made for one hundred thousand dollars. This body of sandstone has interspersed sparingly through it, a rock which is an excellent material for a road: such as has recently been employed upon the low grounds of New Hope, at the expense of the County of Orange. But this rock is so little abundant, and would have to be transported through distances so considerable, that the expense would be enormous, nor is there any thing else, within the limit of these 15 miles, that could be used instead of it.

The circumstance just noticed, of the absence of hard rocks through long distances, is favorable in a very high degree to the throw up of a rounded embankment of earth—in other words, constructing a dirt turnpike. From Raleigh to the foot of the Mountains, there will,

except in two or three places, be no difficulty in the execution of such a work. There are no swamps to pass, few if any large and solid rocks to be removed by blasting, few hills of much importance to pass, but a country gently undulating, and the construction of a turnpike through which, will be as plain and simple a business, as the cultivation of a field of corn.

The question, "how much will it cost to make such a road?" is somewhat of the same nature with the enquiry, how much will it cost to build a house—not susceptible of a definite answer, where so much depends upon the kind of road to be made, or house to be built. The results of experiments made elsewhere, show that such a road could be made at an expense of from 200 to 500 dollars per mile.

Of the two routes from Raleigh to Salisbury, that through Pittsboro' and Ashboro' will be from 15 to 20 miles the shorter, even if we take the most direct route from Hillsborough to Greensborough, and avoid the long deflection towards the South which the stage now follows. But on the other hand, it will run over worse ground and accommodate the population of a smaller number of Counties. On both sides of Ashboro', the country is very broken and the construction of a good road will be difficult. The structure of the country on which this depends, will be noticed when speaking of the Fayetteville road. In other parts also, obstacles will have to be encountered. The slate rocks which occupy most of the region traversed by this route, decompose very irregularly and unequally, so that when they rise to the surface, as they sometimes do, and are exposed there, they are very uneven and unpleasant to travel over. The slate also decomposes into a clay which retains water and keeps the road muddy, when the lightier, sandier soil of the upper route, permits the water to filter through and the ground to become dry in a short time.

Beyond Salisbury, the condition of things is partly reversed. The upper route will still accommodate the pop-

ulation of the greatest number of Counties, it passes through a country both more fertile and more remote from a market, and where the wants of the traveller may be both more cheaply and more plentifully supplied—the ascent of the ridge is easier, the valley of the Catawba being three or four hundred feet higher than that of Broad River; but this upper route is over worse ground. The question, which of the two shall be taken, is one which invokes the wisdom of the Legislature, rather than the judgment of the Engineer for its decision—there being such important and countervailing advantages on both sides.

From Salisbury to Beatty's Ford, much of the ground is good for a Road, and some of it excellent. From Beatty's Ford to Lincolnton, there is a good deal of light spongy soil, over which the travelling is necessarily bad in wet weather. From Lincolnton to Rutherfordton, a great part of the way is level, or very gently undulating, inclining to sand, forming especially an excellent winter road, and it is remarkable, that we are able to reach the very foot of the Blue Ridge, without encountering any very considerable hill. A low spur from the range mentioned, as extending eastward from the Ridge between the counties of McDowell and Rutherford, can hardly be regarded as an exception.

The route from Salisbury to Statesville, across first, second and third creeks, is by no means equal to that leading to Beatty's Ford. From Statesville to Morganton, there is much level and good ground, but some that is considerably broken as we approach Morganton. The principal difficulty on this route is between Morganton and the Pleasant Gardens. If the road wind over the high grounds to where the county seat of McDowell is most unfortunately located, like an Eagle's nest on the top of a mountain, there will be many hills to ascend and descend: if we leave Marion out, and keep near the river bank, the work, though practicable, will be expensive.

Throughout the whole distance, whichever route be selected, the road is likely to keep near the present track. Wherever this seems to bend and depart from the true course, a substantial reason is, on a little examination, discovered, such as the waters of a creek or a tract of broken ground, which it is well to avoid, even if we have to go somewhat further.

For laying off the road, a plot intermediate between the unwieldy one in 70 sheets, and the reduced one herewith transmitted, would be the best, and with the materials in hand, may easily be drawn.

Respectfully submitted by

E. MITCHELL, Engineer.

Raleigh to Salisbury, by Chapel Hill, 129 miles 66 yards.
Raleigh to Salisbury, by Pittsboro', 118 miles 719½ yards.

REPORT

ON THE

TURNPIKE TO FAYETTEVILLE.

It is further made the duty of the engineer employed, to examine the roads leading from Raleigh west—to survey a route from the town of Fayetteville to intersect the others at some point east of the Yadkin river.

I expected a gentleman well qualified for the task, and possessing the confidence of the people of Fayetteville, to execute this survey, and had made arrangements with him to that effect, when he was called away to the Presidency of a college in Mississippi.

No indication is given by the Act, of the place or tract of country where the intersection shall be—whether near where the east and west roads cross the Yadkin, at Lexington, Greensboro', Hillsboro', or at some point intermediate between any two of these; but the largest discretion is left to the engineer.

The first great difficulty in selecting a route for a turnpike from Fayetteville into the fertile Counties lying north and north-west of that town, depends upon the

fact, that the direct roads from thence all diverge like the radii of a circle from that central point, and the country lying in the direction of one radius, will not be at all benefitted by the improvement of any other radius, any farther than as it is the interest of all, that Fayetteville shall be a large and flourishing town. Orange has no direct interest in a road leading into Guilford ; and so of the rest.

One mode of eluding the difficulty, would appear at first sight, to be that of requiring each to yield a little, and making two roads run together for a considerable distance, and separate at a larger angle, after penetrating many miles into the interior. They would in this case resemble the trunk of a tree and its great branches, instead of the radii of a circle.

But the space through which they would thus coalesce and run together, is precisely that, where very little, if any, improvement can be made—the sandy country extending from 30 to 50 miles above the town. To throw this up in turnpike fashion, would do nothing but mischief—rendering the sand deeper than it was before. The most that is left us then, seems to be, to run a turnpike from the interior to the edge of the sand, and make those few improvements lower down, of which the constitution of the surface admits. I have heard no means suggested, of greatly improving the roads through the sands, within any reasonable limits of cost. The question then arises—"Where above the limits of the sand is a turnpike the most needed? Where does the condition of the surface and the extent of the country to be benefitted by it, most urgently require that such a road should be located?"

And it may be answered, not in those Counties which have a pretty level, and fertile region below them, where almost any road will be tolerably good and there is a force sufficient to keep the roads in good condition. Guilford and Orange are therefore excluded. A good turnpike from Hillsboro' or Greensboro' to the upper edge

of Cumberland would be of great advantage; but there is not the same necessity for it that there is farther west, for reasons which I will proceed to state.

A range of low, but rugged and broken mountains and table land, commences a little north-east of Ashboro', and extends for upwards of thirty miles in a south-westerly direction into the lower part of Montgomery. The country around Ashboro' though certainly not high when compared with our western mountains, is yet considerably elevated, and has something almost Alpine in its aspect. Parallel to these high lands, the Uwharie and Pedee run in deep vallies. The mountains themselves contain some gold, but the soil is very poor and the population thin—quite insufficient to keep the roads in a tolerable condition. The road police, which answers well enough in other parts of the State, accomplishes but little here. It is hardly to be expected of the man, who is struggling to obtain the means of subsistence from an ungrateful soil, that he will bestow much of his labor upon the object of helping forward the population of other Counties to market. The hills are steepest on their western side, looking out upon the valley of the Uwharie. There are places there upon the public roads, as bad as almost anything that is met with in the ascent of the Blue Ridge. After passing the summit, the ground slopes gradually towards the south-east, but is rough, barren and unsettled through a distance of ten miles—till we get over Little River.

All the wagons from Davidson, Davie, Rowan, Iredell, and the upper parts of Cabarrus, Stanly, and Montgomery, have to climb these hills and traverse this country as they go to Fayetteville. Those from Stokes keep rather along its eastern side, passing two or three miles east of Ashboro'.

It appears to me, that the first turnpike made from Fayetteville into the interior, should take the shortest and best route to Salisbury, and that if there is any deflection from the most direct route, it should be towards the west,

rather than in any other direction, and for the following reasons :—

1. There is no other point in this region that has around it so large an extent of fertile and densely populated country as Salisbury. The produce of Rowan, of Davie, and of considerable parts of Davidson, of Iredell, Cabarrus, Stanly and Montgomery, would naturally fall into a turnpike leading from that town to Fayetteville.

2. There is no other place in the middle counties, whose road to market lies through as difficult a country, and one at the same time so susceptible of improvement with no very extravagant outlay. Whilst examining the road which is their main dependence, I have sometimes wondered that the people of Rowan did not abandon in despair the idea of getting to a market at all. The smallness of the cost of transportation between Salisbury and Fayetteville is certainly, all the circumstances considered, remarkable. The hills and table land between the Uwharie and Little Rivers have been already noticed. But whilst the wagons from Davidson pass with comparative ease into the valley of the Uwharie, those from Rowan have first to descend to the Yadkin, and after crossing that stream, to traverse a broken and not very fertile country—especially to climb and descend the Beaver Dam hills before getting to the Uwharie—and finally they enter the deep sand at a distance of 53 miles from Fayetteville.

3. There is no place for which so little has been done in the way of road making between it and a market, as Salisbury. From the first settlement of the country to this day, a road has never been cut out from Salisbury to Fayetteville. Through the greater part of 30 miles after we strike the sand, there is no road, but every person selects a route for himself, following the general course of previous travel along the ridge that separates the waters, which flow into the Cape Fear, from those that run into the two Pedees. It is in fact the old trail

by which the Buffaloes and Indians used to come down from the interior to the coast. One is often uncertain, whilst attempting to follow it, whether he is advancing directly towards the end of his journey, or merely crossing diagonally from one side of the ridge to the other. At the distance of 17 miles from town, we take the road opened some years since by the direction of the Legislature to Morganton, and pursue it the rest of the way to Fayetteville.

4. South Carolina, by fair and honorable methods—by the creation of speedier and easier means of communication, amongst which the Rail Road from Charleston to Columbia holds the first place, is drawing more and more of the trade of the country west of the Yadkin, to her own markets. People in Iredell told me they would like well to go to Fayetteville, if the difficulties of the way were not so great, but that it was becoming more and more common with them, when they had a load ready for the market, to direct their course towards the south, rather than the southeast. A good road from Salisbury seems to be the only remedy for the evil, and this, the time for applying it—before the current shall have set unchangeably in a different direction.

Some persons whom I met with when engaged in these Surveys, spoke very contemptuously of a Turnpike. In this day of Rail Roads, nothing short of a Rail Road would satisfy them. But to me it appears pretty certain, that a Rail Road extending into the valley of the Yadkin, and having it, for its principal object, to collect the produce of the country, and make a return for it in foreign products, would not sustain itself. For carrying a living man with his baggage, from Raleigh to Petersburg, the price is seven dollars—for the transportation of a like weight of dead matter, about one dollar. A like difference obtains on all Rail Roads. Wherever there is a large freight of passengers, a Rail Road will be productive property, but not commonly, where the transportation of any kind of agricultural product is the principal object. A Turnpike then is our only resource.

The farmers represented to me, that all they wanted was a good road to market, and a good market at the end of it. They were obliged, they said, to keep a team of horses to carry on the work of the farm: at certain times of the year, having little to do, they might nearly as well be on their way to market as at home, and though in stormy weather they sometimes suffered, yet the pleasure of seeing the world, and of freedom for a few days from domestic control and discipline, was so substantial an offset, that they would hardly thank one for bringing a Rail Road to their very door.

A rail road would have to select its ground, and keeping a ridge, strike the east and west road at some point east of the Yadkin. A turnpike can go more directly to the end it has in view. The location of one leading to Salisbury, and having to cross the Yadkin would be determined to a considerable extent, by the position of suitable sites for ferries across that terrible river. It probably would not depart widely from the route now most commonly travelled, and which passes the Yadkin at Stokes' Ferry, and the Uwharie at Larden's Ford.

Intending to give the country, some part of which is to be traversed by the proposed turnpike, a thorough examination, I ran two lines from Salisbury into the neighborhood of Troy, the County seat of Montgomery—one from thence to Fayetteville, and one from Fayetteville by the way of Carthage, in Moore County, to Ashboro'. Becoming more thoroughly convinced, as I advanced, that the turnpike, if any were built, should go to Salisbury, I did not proceed any further. And not knowing whether the Legislature would approve of my operations, I have not made out a plot of these surveys. If they shall be called for, I can, by about three weeks of diligent labor, get them ready.

All which is respectfully submitted, by

E. MITCHELL, *Engineer.*

EXECUTIVE DOCUMENT—NO. III.

REPORT

OF

THE COMMISSIONERS

OF THE

RALEIGH & GASTON RAIL ROAD.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

MESSAGE.

To the Honorable, the General

Assembly of North Carolina:

I have the honor to lay before you the Report of the Commissioners of the Raleigh and Gaston Rail Road.

WILL. A. GRAHAM.

DECEMBER 8th, 1846.

REPORT.

To the Honorable, the General
Assembly of North Carolina:

The Commissioners of the State, for the management of the Raleigh and Gaston Rail Road, respectfully

REPORT,

That after the purchase by the State, on the bid of the Governor, of all the property of the Raleigh and Gaston Rail Road Company, the Governor, Treasurer and Comptroller organized the Board of Commissioners constituted by the law in the event of such purchase, and took possession of all said property, and appointed officers and agents to continue the operations thereon, commencing on the 1st day of January, 1846.

Wesley Hollister, Esq. was appointed President of the Rail Road, with the engagement that he was to perform the duties heretofore discharged both by the President and Superintendant, with a salary of $1,800 per annum; and W. W. Vass was appointed Treasurer of the same, with an annual salary of $600—both to be paid quarterly. The Treasurer was required to give bond

with surety, in the sum of Ten Thousand Dollars, conditioned for the faithful performance of duty, and to account for all monies which might come to his hands; and he was moreover to deposit, daily, in the Bank of the State of North Carolina, all monies received; from which, payments on account of the Road were to be drawn by him, on the certificate of the President, that they were due. And monthly settlements of the Treasurer's accounts have been required by the Board, in analogy to those in the office of the Public Treasurer of the State. Under the instructions of the Board, the President employed the necessary Mechanics, Engineers, Conductors and hands, to carry on the business of the Rail Road, and the result, for ten months, ending the 1st of November, is shewn by the statements of the President and Treasurer, hereunto appended. Estimates for the residue of the year, and for the next year, have been also prepared, to enable the Legislature to form an opinion of the future profits of the Road, if it shall be retained by the State.

The Journal of the Board, and the vouchers and books of account, of the officers of the Road, will be readily exhibited to any Committee appointed by the General Assembly for their examination.

It will be seen, from the statement of the President, that there will probably be in the Treasury of the Road, on the 1st of January next, about $7,000, which might be paid into the Public Treasury. The Commissioners are however of opinion, that the Road will be greatly benefited by the purchase of new Iron sufficient for one mile of railing, and costing about $2,000, and will proceed to procure the same, unless the General Assembly shall otherwise direct. Thus leaving a balance of about $5,000, which may be paid into the Public Treasury, on the settlement of the monthly account for December.

Respectfully submitted,

WILL. A. GRAHAM, *Chairman of the Board of Commissioners R. & G. Rail Road.*

Dec. 8th, 1846.

REPORT OF THE PRESIDENT.

RALEIGH AND GASTON R. R. OFFICE,
November, 1846.

To the Board of Commissioners of the
Raleigh and Gaston Rail Road:

In compliance with your request, the undersigned begs leave to submit the following statements of the operations of the Raleigh and Gaston Rail Road, since it became the property of the State; and also, of its present condition.

It will be seen, on reference to the Treasurer's Statements, herewith submitted, that the receipts of the Road from Transportation, for the 10 months, ending on 31st October, have been (Statement A.) $51,921 43, while the disbursements on account of expenses for the same period, have been (B.) $36,033 18, and that the Receipts from all sources have exceeded the disbursements by the sum of (C.) $15,982 28, of which, $7,200 00 was paid over

to the Public Treasurer on 1st July last, still leaving a balance on hand on 1st November, (including mail pay not actually received,) of $3,782 28. If to this balance be added the probable receipts for the ensuing months of November and December, which may be estimated $8,240 00, and be deducted the expenses likely to accrue for the same period, which, with the entire amount of outstanding claims against the Road, the whole estimated at the sum of $10,000, there will then be a probable balance on 1st January next, of $7,022 28, and our receipts from transportation, for the year, will have been $60,161 13—Expenses (including the purchase of a Locomotive,) $46,033 18—Profit, $14,222 28.

It is known to your Board, that Tobacco, Cotton, Wheat and Flour, form the chief items of downward freight. The Tobacco crop has fallen considerably short of the usual quantity—the culture of Cotton has been considerably reduced in all this region—and the short crop of Corn has caused a vastly increased home consumption of Wheat and Flour. Owing to these causes, the receipts from downward freight have not been nearly equal to what they ought to have been, or as great as may reasonably be expected the ensuing year.

Owing to the insufficient means of transportation of passengers between this place and Fayetteville, Cheraw and Camden, the receipts from travel have also been much less than they should have been; many persons desirous of taking this route, being deterred from doing so, from fear of being detained at the terminus of the Rail Road—a Hack, capable of carrying only four persons comfortably, being the only means of communication. Efforts have been made from time to time, to induce the Post Office Department to put this up to a four horse post coach line, but these efforts have, as yet, proved unavailing; and it is submitted to the Board, whether a representation from them to the Department, might not have more weight in bringing about this important and desirable connection.

While the expenses of the Road have not increased but rather diminished, considerable improvements of a permanent character have been made during the year. In 1843, several culverts and drains were blown up by heavy freshets, which were at the time temporarily repaired, but which have been, this year, replaced by those of a permanent character.

The Bridge across the Roanoke River at Gaston, has of late been undergoing thorough repairs. While being erected, the superstructure was seriously deranged by a freshet, which moving the works that supported it, the spans were moved down stream; and after trying all the means at the time that were devised, for its restoration, the centre of some of the spans still remained nearly a foot out of line. And subsequently, persons of considerable experience in bridge-building, expended large sums, in further efforts to correct the derangement, but with no better success until last year, when the difficulties had so increased as to induce the belief, that its preservation for any length of time, depended upon its being immediately restored to its proper position, the curvature or lateral deviation in the spans having caused a leaning of the sides, which threw some portions of the top of the bridge more than two feet horizontally from its original position. Accordingly, steps were taken to repair and adjust the bridge, which have resulted in restoring it, both horizontally and perpendicularly, and an entire new roof has been put over 5 of the 6 spans, and the whole would have been completed long since, but for the sickly season in August, which caused a suspension of the work. When the present plan of repairs shall have been fully completed, the bridge will be in a better condition and of greater value, than when first erected. Due attention has also been paid to the other bridges on the line, in having them protected against deterioration and derangement.

The service on the Road has been materially increased by the increased rate of speed which the last mail schedule

required. Under the former arrangement, the principal part of the freight for Raleigh, and all the depots South of Henderson, was transported by the mail train—thus saving the expense of a separate train for that purpose, and enabling us to keep one or more engines in the shops for repairs; but since this change has been effected, we have been compelled to transport most of the whole freight by a separate Locomotive, and consequently have been unable to keep our Locomotives in as good order as was desired. Previous to the late purchase, there were only five Locomotives on the Road, (the most of which had been in service ever since the commencement of the operations of the Road, a period of more than seven years.) Of these, two are constantly on the Road with the mail train, and two with freight, leaving only one in the shop; and as each mail Engine performs a daily service of 87 miles, one extra Engine is required to be in constant readiness for that service. The freight Engines run three times a week, and two are constantly required for that service, so that an additional Engine became indispensable, and was accordingly purchased last month. In 1843, it was found necessary to change the plan of our machinery, and adapt it to the state of our Road. This was done by placing an additional pair of wheels under the Locomotives, and thus relieving the weight upon the drivers. While this answered the valuable purpose of preserving the timber from crushing, it at the same time diminished the motive power. To obviate this difficulty, it has been found necessary to put in an additional pair of driving-wheels. This change was made in one Engine in the early part of the year; the additional parts to re-construct another, are nearly completed, and the change will be made in all the Engines as fast as the work can progress.

Our difficulties, both in the shops and on the Road, have been very great the past summer, by reason of the general sickness which pervaded the upper country, and which very materially weakened our force—thereby

preventing the carrying out many improvements and repairs which were in contemplation. But notwithstanding, the Road and machinery are in better condition than at the time of its purchase.

The statement marked D. contains a conjectural estimate of expenses for 1847, which is believed to be, in the main, correct. It will be necessary to increase the force in the shops, to some extent, in order to carry out the more speedily the improvement in the Locomotives. Table E. shews the property owned by the State at the different depots, and along the line—to which is likewise appended a statement of the original cost of the permanent part of the Road. Table F. shows the number of persons in the employment of the Road, and the wages of each.

Respectfully submitted,

WESLEY HOLLISTER, *Pres't.*

EXECUTIVE DOCUMENT—NO. IV.

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE

LITERARY FUND.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATU RE.
1846.

MESSAGE.

To the Honorable, the General
Assembly of North Carolina:

I have the honor to lay before you the biennial Report of the President and Directors of the Literary Fund of North Carolina.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,
Dec. 4th, 1846.

REPORT.

REPORT.

To the Honorable, the General Assembly of North Carolina:

The President and Directors of the Literary Fund submit the following

REPORT:

The Literary Fund consists of

BANK STOCKS.

5322	Shares in the Bank of Cape Fear, worth at least cost, $100 per share,	$532,200 00
5027	Shares in the Bank of the State of North Carolina, costing $100 per share, and worth more by 5 or 6 per cent.—stated at cost,	502,700 00

RAIL ROAD BONDS.

Of Raleigh and Gaston Company indorsed by the State, due in 1860,	$140,000 00	
Due January 1st, 1847,	8,500 00	
" " 1849,	4,500 00	
" " 1850,	2,000 00	
" " 1851,	3,000 00	
" " 1852,	5,300 00	
		163,300 00
Of Wilmington and Raleigh Company, indorsed by the State, due January 1st, 1843,		52,000 00
Do. Do. secured by Mortgage on the property of the Company in 1837,		85,000 00
Monies on loan secured by bonds, notes, and judgments--Principal,		55,643 00

STOCK OF NAVIGATION COMPANIES—THE PROFITS OF.

75 Shares in Cape Fear Navigation Company,	37,500 00	
Roanoke Do. Do.	50,000 00	
		87,500 00
yielding dividends more or less annually,		
6000 Shares in Wilmington and Raleigh Rail Road Company, of uncertain value, cost	$600,000 00	
yielding no dividends.		
Amount due from the State for monies of this Fund used in aid of the Treasury,		127,319 63
Taxes on Retailers of Spirituous Liquors.		
Taxes on Sales at Auction.		
Entry money for Vacant Lands.		

Interest on Loans made by the Board of Internal Improvement.
The four preceding sources being annually productive.
And the whole of the Swamp Lands of the State, not granted and held by individuals prior to the year 1826, estimated at 1,500,000 acres.

Of the above mentioned debt of $85,000, owing from the Wilmington and Raleigh Rail Road Company, for a loan made to them, by the Board in 1837, and secured by a deed in trust of that date, $60,000 became due the 1st of January, 1845. The Board demanded payment, or further security of the same, soon thereafter; but the Company was unable to comply; and as the interest on the whole amount has been paid semi-annually, the Board has taken no step to collect the principal. They now bring it to the attention of the Legislature, for their direction thereon.

Of the amount on loan as above stated, to-wit, $55,643 00, there is a debt of $10,000 due from Wake Forest College, created by direction of the General Assembly in 1840, to continue for four years. The time prescribed has expired, but as no order was given for the collection of the debt, at the end of that time, and the interest has been paid annually, the payment of the principal has not been insisted on.

The Counties of Edgecomb and Rowan having adopted the School Law at the late election, the amounts due to them for past years, on the legal application of their Boards of Superintendents, must be paid out of the said sum of $55,643 00.

Considering the condition of the Public Treasury, and the Resolution of the General Assembly at the last Session, authorizing the Treasurer to borrow from this Fund any amount which might be needed by it, the Board in

the last two years has made no new loan to individuals, except in a single instance, where a debt, belonging to one of the Counties refusing the School law, was collected in, under an execution, and part of the amount was re lent. The sums collected on former loans, have been, soon after their receipt, passed over to the public Treasurer, to be used for public purposes, and his monthly settlements with the Comptroller of Public Accounts, will show the amounts on which the State should be charged with interest.

The income of the Literary Fund from all sources, in the year ending 1st September 1845, was as follows, to-wit:

Bank dividends,		$63,350 75
Navigation Company dividends,		2,700 00
Interest on Loans,		7,419 36
Interest on Rail Road Bonds,		18,078 00
Land Entries,		7,328 23
Auction Tax,		513 46
Tavern Tax,		2,484 42
		101,874 22
Disbursements—		
On account of School for Deaf and Dumb,	1 950 40	
Balance reserved for this School by appropriation of Act of Assembly,	966 26	
Expenses of Board,	780 00	
Printing by order of Board,	325 12	
		4,021 78
Nett amount distributed for support of Common Schools, as published in newspapers,		$97,852 44

Like income for the year, ending 1st September 1846, viz:

From Bank dividends,	$68,377 75
Navigation Company dividends,	3,433 81
Interest on Loans,	2,006 80

Interest on Rail Road Bonds,		18,018 00
Land Entries,		5,962 88
Auction Tax,		758 85
Tavern Tax,		3,030 56
		101,588 65
Disbursements :—		
For expenses of Board,	694 45	
Printing and Advertising for Board,	105 50	
Attornies fees for legal services,	115 00	
R. L. Myers, for monies advanced and services rendered in 1844, concerning Swamp Lands,	95 05	
Education of Deaf and Dumb,	2,233 77	
Loss on Furniture for School for the Blind, resold in Boston,	157 98	
Reserved balance of appropriation for Deaf, Dumb and Blind, under the Act of the Legislature,	2,608 30	
		6,010 00
		$95,578 65

Nett amount distributed for the support of Common Schools, as published in newspapers.

Soon after the adjournment of the last Legislature, the Board directed the public attention, by advertisement, to the provision which had been made for the education of the Deaf and Dumb, and of the Blind, and solicited the County Courts to furnish a census of both classes of these unfortunate persons in their several counties, and to make levies of taxes to assist in their education as provided by the law. They also entered into an agreement with Mr. William D. Cooke, to open a school for the instruction of the Deaf and Dumb in the City of Raleigh, on the 1st of May, 1845, upon the terms following, viz : Mr. Cooke was to furnish board, lodging, books, instruction, and clothing, where the pupil could not supply himself; and pay Physicians bills if necessary, and receive in return $160 per annum for each pupil.

Within a few months past, the Board has consented to allow $10 more for each pupil, in consideration of their being taught mechanical employments. Under this agreement, the School went into operation at the time stipulated, and the number of scholars has gradually increased to twenty-one State beneficiaries, besides two, who pay their own expenses. The Board, thus far, are entirely satisfied with the manner in which this School has been conducted, and they believe that its establishment is destined to be marked as an era in the educational system of the State.

It will be seen from the Report of the Comptroller of Public Accounts, that but a single County has as yet, made a payment to aid in the education of their Deaf Mutes, though the Board have been informed that taxes have been laid in several for this purpose. It is suggested that some remedy should be provided, to compel punctual payment by the County officers to the Secretary or Treasurer of this Board, in all such cases. It will be recollected, that the law authorizes an annual levy by the County Courts, of $75 for each pupil, from their Counties; and the Board have required this to be contributed by the County, as a condition on which the State's bounty would be extended to them. To encourage the entry of pupils in the School, however, it has not been deemed expedient to demand it in advance.

The Board were also desirous to establish an asylum for the Blind, under the munificent provision of the Legislature, and with that view, opened a correspondence with the authorities of those States in which are the most approved Institutions of this description. They take pleasure in expressing their especial thanks to Dr. S. G. Howe, of the Perkins Institution for the Blind, at Boston, Mass., for his kind offices and counsel respecting this enterprize; and in the hope that it might be made at once successful, they ordered the necessary school books and furniture, and authorized the employment of a teacher having the recommendation of perfect compe-

tency in this branch of instruction, to open a school at Raleigh. After these steps had been taken, however, the person who had been expected to engage as the teacher of the Blind, desired to stipulate for a license to discuss Southern institutions, in a manner inconsistent with our laws, which the Board had neither the power nor inclination to grant. The negotiation with him failing from this cause, after the matter had been several months in progress, and only a few children of this class being offered as pupils, and the County Court of no County having offered to aid them, though specially solicited to do so by public advertisement, the Board decided to postpone the establishment of this School for the present, and ordered a re-sale of the books and furniture before mentioned, thereby sustaining a loss of $157 93 as shewn in the above account. The Board have taken measures to procure information respecting the number, ages, and places of residence of the Blind children of the State, and will be prepared to found an asylum for them, as soon as the Counties they inhabit shall signify their consent to aid in this object.

The Board are deeply impressed with the defectiveness of the present system of Common Schools. They desire especially, to point the attention of the Legislature to the fact, that the officers of not more than Forty Counties made any School returns to the Board as required by law, in the year 1845, and although several have sent in their reports since the meeting of the General Assembly, not more than Fifty have made returns for the year 1846. It is necessary to enforce greater punctuality, by penal enactments. Moreover, the returns which have been received shew, that there is but little uniformity or efficiency, in the administration of the system. In some of the Counties, no tax is raised in aid of the State's distribution, and in almost all, large sums appear to be lying idle in the hands of the Chairman of Superintendants, waiting on the supineness and inaction of the Committees of Districts. The returns which have been received

for the last two years, are herewith transmitted, marked A and B, and are commended to the scrutinizing examination of the Legislature. While the Chairmen of the Boards of Superintendants, so far as known to this Board, are highly respectable citizens, and their monied accounts are intelligibly stated, from inertness in management, or other causes, the funds are kept idle in the hands of public agents, and hardly any attention seems to be bestowed. in furnishing the statistical information required to be annually sent to the President and Directors of the Literary Fund.

The want of a sufficient number of competent teachers, is doubtless one reason of the present inefficacy of these institutions; and it is believed that many of the teachers now employed, have not the requisite qualifications for that useful and honorable vocation. It seems to be indispensable to establish some tribunal to examine and determine the qualifications of teachers, besides the Committees of Districts. But it is, perhaps, equally necessary to establish a Normal school for the preparation of preceptors. The fewness of capable teachers in the State, is unquestionably one cause of the evils under which we now labor. Whether this can be best accomplished by a separate establishment, or by an arrangement with the Trustees of the University, where, by an ordinance of the Board, any native of the State, of good morals and capacity, in indigent circumstances, can now receive tuition free of charge—is an inquiry well deserving your consideration. If a course of instruction, having particular reference to this object, can be instituted at the University, the latter would be by much the preferable plan. A Commissioner of Common Schools, however, who shall supervise the whole system, see to the proper application of the funds yearly distributed, prescribe and enforce a proper and uniform course of instruction, advise the uninformed, encourage the zealous, and correct the delinquent, if appointed only for a few years, would do more, in the opinion of the Board, than

all other means combined to make our schools useful and popular.

The Board regret that accidental circumstances prevented them from visiting the Swamp Lands, belonging to the School fund, which have been heretofore drained, in the Autumn of the last year. A member of the Board, residing in the Town of Washington, is their agent to overlook these lands, and receive proposals to purchase any part thereof. No sale has been as yet effected, but good policy seems to require that some portions of the drained lands shall be disposed of, to promote settlement and culture in that region; and it is hoped, that in the course of the next year this may be accomplished.

Since the adjournment of the last Legislature, an agent of certain persons in Pennsylvania, styling themselves the North American Land Company, have submitted to the Board claims of title to a large portion of these lands. The Board were not satisfied with the validity of these titles, and could in no manner recognize them, the more especially as it was manifest that the claimants had full knowledge of the State's operations in draining these lands while they were in progress, and contributed nothing thereto.

Since the commencement of your present Session, information has been received that two individuals have intruded on these drained lands, and are now pretending to be occupants thereof. The Board will take prompt measures to have them removed or punished, according to the statute in such cases provided.

Respectfully submitted,

WILL. A. GRAHAM,

Pres't. ex officio of Literary Board.

Dec. 4th, 1846.

EXECUTIVE DOCUMENT—NO. 7.

REPORT

OF

THE BOARD

OF

INTERNAL IMPROVEMENT.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1866.

EXECUTIVE DOCUMENT—NO. V.

REPORT

OF

THE BOARD

OF

INTERNAL IMPROVEMENT.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

MESSAGE.

To the honorable, the General
Assembly of North Carolina:

I herewith transmit the Report of the Board of Internal Improvement, according to law. It does not comprehend the Reports from some of the Companies chartered for purposes of Internal Improvement. All are sent, however, which have been received, and it is hoped the residue will be laid before you in a few days.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,
Nov. 27, 1846.

REPORT.

REPORT.

To the Honorable, the General Assembly of North Carolina:

The Board of Internal Improvement, as required by Law, have the honor to submit the following

REPORT:

The Fund for Internal Improvement consists of

1.	Balance due from Public Treasurer, as shewn by his Report, being monies of this Board used from time to time, for public purposes,	$73,944 34
2.	Monies on loan, secured by bond or mortgage,	15,613 00
3.	112 Shares of Stock in Bank of Cape Fear,	11,200 00
4.	Bonds taken for sales of Cherokee Lands,	175,029 66

5. Cherokee Lands, surrendered under the Act of the last session of the Legislature, and land never surveyed or sold.

There is so moderate an amount of monies on loan, that it is most obviously necessary, to provide some mode of permitting renewals, and receiving payments of these debts, without incurring the expense of convening the Board. It is therefore recommended, that the Public Treasurer be authorized and required to take the custody of the Bonds or other evidences of debt, held by the Board, and to accept payments or renewals thereon, at the times and in the manner now required by Law.

The Board has no public work under its charge. Its members have examined the several schemes of public improvement brought before the Legislature in the Message of the Governor, at the opening of the present session, and concur in recommending them to the favorable action of the General Assembly—the employment of an Engineer for the survey and improvement of the principal public roads of the State, appears to them highly expedient. And as ample means are now in hand to defray the expense of such surveys, they indulge the hope, that that measure will not be delayed. They also regret that they have not been able to examine the survey for a Turnpike road from Raleigh and Fayetteville to the Buncombe Turnpike road, and thence to the Georgia line, as directed by the Act of the last session. They are however fully persuaded, that unless the estimates of the cost of that work shall exceed the general expectation, it ought to be undertaken as early as practicable, and the Bonds given for Cherokee Lands, and the proceeds of those lands yet to be sold, appropriated to its construction. The manifest usefulness and convenience of this Road, to that extensive and populous region of the State, which has the least accommodation in transportation and travel, and the opportunity which will be afforded in its construction, to the debtor for Cherokee Lands, to pay off his bond, to a

great extent at least, in labor instead of money, unite in commending it to the public patronage.

The Board deem it proper to remind the Legislature, that the joint Resolution of the last Session, directing the foreclosure of the Mortgage on the Clubfoot and Harlow's Creek Canal, orders a conveyance to be made in the event of a purchase of the property by the State, "to the President and Directors of the Literary Fund, as a fund for Internal Improvement, for the use of the State." It is supposed, that by an error in engrossing the Resolution, the corporation of the Literary Fund was substituted for that of Internal Improvement. And therefore no deed has, as yet, been taken from the Clerk and Master in Equity—to the end that the error, if such it be, may be corrected at your present Session.

The documents herewith sent, shew the condition of the several Companies incorporated for purposes of Internal Improvement in this State, which have made returns to the Board, viz.

Those marked A, are the Reports of the Petersburg, and Greenville and Roanoke Rail Road Companies.

B, that of the Roanoke Navigation Company.

C, " Buncombe Turnpike Road.

D, Wilmington and Raleigh Rail Road Company.

Respectfully submitted.

WILL. A. GRAHAM,

Pres't. ex of. Board Int. Improvement.

Nov. 27, 1846.

(A.)

RETURN

Of the Cost and Receipts and Expenses of that portion of the Petersburg Rail Road, lying in the State of North Carolina.

The portion of the Petersburg Rail Road between the Virginia line and Blakely, measures 9 miles, the proportional cost of this to May 1, 1834, is			$86,100 00
The proportion of the nett income of these 9 miles, to this date, is		3,000 00	
Deduct interest on the cost,		5,166 00	Loss.
			2,166 00
Proportional cost to May 1,1835, $88,462,			
Nett income,		7,536 22	
Deduct interest on cost,	5,307 72		
Add loss last year,	2,166 00		
		7,475 72	Gain.
			72 50
Proportional cost to May 1,1836, $97,021,			
Gross amount Freight, Travel & Mail pay,	12,372 42		
Add gain last year,	72 50		
		12,444 92	
Deduct expenses of transportation,	6,798 50		
Interest on cost,	5,821 26		
		12,619 76	Loss.
			174 84
Proportional cost to May 1,1837, $99,919,			

Gross amount Freight, Travel and Mail,		9,416 96	
Expenses of transportation,	8,970 70		
Interest on cost of road,	5,994 60		
		14,965 30	
			5,548 34
Proportional cost to May 1,1838, $108,000,			
Gross amount receipts,		4,342 65	
Expenses of transportation,	10,301 55		
Interest of cost,	6,480 00		
Do. on loss of last year,	332 90		
		17,114 45	
			12,771 80
Proportion of cost to May 1,1839, $114,935,			
Gross amount Freight, Travel and Mail,		4,838 03	
Expenses of transportation,	11,504 89		
Interest on cost,	6,896 09		
Do. on loss of last year,	766 30		
		19,167 28	
			14,329 25
Proportion of cost to May 1,1840, $119,416,			
Gross amount Freight, Travel and Mail,		5,996 82	
Expenses of transportation,	12,653 80		
Interest on cost,	7,164 96		
" on loss last year,	859 75		
		20,678 51	
			14,681 69

Proportion of cost to May 1,1841, $119,416,			
Gross amount Freight, Travel and Mail,		6,515 91	
Expenses of transportation with cost of engines and cars,	18,778 93		
Int't. on cost, $7,164 96,			
" on loss last year, $880 90,	8,045 86		
		26,824 79	
			20,308 88
Proportional cost to May 1,1842, $119,416			
Gross amount receipts from Freight, Travel and Mail,		6,054 67	
Expenses of transportation,	15,225 11		
Interest on cost of road,	7,164 96		
Do. on loss last year,	1,609 48		
		23,999 55	
			17,944 88
Proportion of cost to May 1,1843, $119,416			
Gross amount of transportation,		6,678 46	
Expenses of transportation,	10,787 55		
Interest of cost,	7,164 96		
Do. on loss of last year,	1,076 69		
		19,029 20	
			12,350 74
Proportional cost to May 1844, $119,416			

Prop't'al cost of Bridge at Weldon,	53,385		
Prop't'al cost of new Iron	10,666		
	$183,467		
Gross amount of transportation,		8,061 47	
Expenses of transportation,	8,315 28		
Interest on cost,	11,008 05		
" on loss of last year,	741 04		
		20,064 37	
			12,002 90
Proportion of cost to May, 1845, $183,467			
Gross receipts from transportation,		8,334 46	
Expenses of do.	6,224 08		
Interest on cost,	11,008 05		
Do. on loss last year,	720 17		
		17,952 30	
			9,617 84
Proportion of cost to May 1, 1846,	$183,467		
Add cost of constructing draw on Roanoke bridge,	2,475		
	185,942		

Gross receipts from transportation,		11,875 53	
Expenses of transport,	8,736 55		
Interest on cost,	11,156 52		
Do. on loss of last year,	577 02		
		20,470 09	
			8,594 56
Gross receipts from May 1, to Oct. 1, 1846, (5 months,)		5,343 53	
Expenses for same time,	3,922 80		
Interest on cost, 5 months,	4,648 55		
Do. on loss last month,	214 85		
		8,786 20	
			3,442 67
Total loss,			$131,768 09

H. D. BIRD, *Pres't.*

OFFICE PETERSBURG R. R. Co.
Nov. 14, 1846.

(A.)

STATEMENT

Of the cost of that portion of the Greensville and Roanoke Rail Road lying in the State of North Carolina, with the Receipts and Expenses of the same.

Whole cost of Road, exclusive of Depots, to June 1st 1837, $238,976 42,	¼ of this is		$59,744 15
Depot at Gaston cost,			27,673 53
" Summit,			1,100 00
Cost of 4½ miles in North Carolina,			$88,517 68
Proportion of Receipts from Freight on these 4½ miles, to March 1, 1838,	3,771 50		
From Travel,	1,131 00		
		4,902 50	
Proportion of Expenses on the same, for transportation,	5,156 87		
Interest on $88,517 68, cost of Road,	5,311 06		
		10,467 93	
			Loss.
			5,565 43
Receipts for Freight to March 1, 1839,	4,819 15		
From Travel,	1,893 90		
" Mail,	295 00		
		7,008 05	
Expenses of transportation,	5,465 43		
Interest on cost of Road,	5,311 06		
" on loss in 1838,	333 90		
		11,100 39	
			4,092 34

Receipts from Freight, to March 1, 1840,	5,415 50		
From Travel,	1,714 21		
" Mail,	250 00		
" Iron for Raleigh and Gaston Company,	299 68		
		7,679 39	
Expenses of transportation,	5,887 00		
Interest on Capital,	5,311 06		
" on loss for 1839,	240 55		
		11,438 61	
			3,759 22
Receipts from Freight to March, 1841,	8,793 47		
From Passengers,	1,659 05		
" Mail,	250 00		
		10,702 52	
Expenses of transportation,	8,189 50		
Interest on Capital,	5,311 06		
" on loss in 1840,	225 55		
		13,726 11	
			3,023 59
Receipts from Freight, to March 1, 1842,	7,124 99		
From Travel,	1,605 00		
" Mail,	211 35		
		8,941 34	
Expenses of transportation,	7,139 39		
Cost of new iron,	3,990 94		
Interest on Capital,	5,311 06		
" on loss in 1841,	181 81		
		16,623 20	
			7,681 86
Receipts from Freight, to March 1, 1843,	5,729 77		
From Travel,	1,254 66		
" Mail,	211 35		
		7,195 68	

Expenses of transportation,	5,895 60		
Interest on Capital,	5,311 06		
" on loss in 1842,	460 91		
		11,667 57	
			4,471 89
Receipts from Freight, to March, 1844,	4,917 31		
From Travel,	1,033 87		
" Mail,	139 25		
		6,090 43	
Expenses of transportation,	5,011 32		
Interest on Capital,	5,311 06		
" on loss in 1843,	268 31		
		10,590 69	
			4,500 26
Receipts from Freight, to March 1, 1845,	4,982 07		
From Travel,	1,081 42		
" Mail,	200 00		
		6,263 49	
Expenses of transportation,	4,823 52		
Interest on Capital,	5,311 06		
" on loss in 1844,	270 00		
		10,404 58	
			4,141 09
Receipts from Freight, to March 1, 1846,	4,872 00		
From Travel,	1,387 25		
" Mail,	500 00		
		6,759 25	
Expenses of transportation,	4,964 14		
Interest on Capital,	5,311 06		
" on loss in 1845,	248 50		
		10,523 70	
			3,764 45

Receipts from Freight, from March 1, to Oct. 1, 1846,	3,869 28		
From Travel,	1,121 05		
" Mail,	291 69		
		5,282 02	
Expenses of transportation for same time,	2,895 76		
Interest on Capital,	3,098 00		
" on loss in 1846,	130 34		
		6,124 10	
			842 08

Short of paying Interest on Cost and Expenses of transportation, $41,842 21

H. D. BIRD, Pres't.

Office Greensville and R. R. R. Co.
Nov. 14, 1846.

(B.)

RETURN

Of the state of the Roanoke Navigation Company, for the year ending 30*th September,* 1846.

Amount of individual subscription for Stock unpaid,	12,146	71
Expended in the construction of the work from commencement to this date,	424,555	02
Expended in repairs,	20,798	94
Property now held by the Company, viz :—		
Stock issued by the State of Virginia, 6 per cent.,	3,000	00
17 Negroes, 3 batteaux, and various tools,	6,100	00
Dividends declared from commencement,	94,762	50
Cash on hand, 30th Sept. 1846,	16,193	22½
	$577,556	39

* Capital Stock, $412,000 00 in Shares of $100 each, subscribed by State of Virginia,	80,000 00
Subscribed by State of N. Carolina,	50,000 00
" by Individuals,	282,000 00
Sales of sundry Negroes,	9,628 55
Premium on Bills of Exchange,	345 68
Discount on N. Carolina Bank Notes,	14 24
Profit made on Bank Stock,	4,719 50
Interest collected from Stockholders,	8,401 20
Overpaid by Stockholders whose Stock has been sold,	51 80
Interest received on Virginia 6 pr. cent. Stock,	1,269 20
Receipts for tolls and other profits from commencement,	126,449 67½
Dividends remaining unpaid,	8,294 25
Balance in favor of the Company,	6,382 30
	$577,556 39½

* The Capital Stock of the Company has been reduced by the purchase of Stock held by insolvent subscribers, to the sum of $395,900.

STATEMENT

Of Receipts and Expenditures during the year:

Balance of money on hand, as per last Annual Report,	11,716	17		
Received for Water Rents,	305	00		
" " Interest on Virginia, 6 per cent.	179	10		
Received for hire of negroes,	222	02		
" " Tolls at Weldon and Gaston,	12,926	56		
Deduct disbursement for improvements and repairs, &c.,			1,515	33½
Salary of Treasurer and Secretary,			550	00
Expenses collecting tolls,			525	01
Dividends paid,			6,565	25
Balance of Cash on hand,			16,193	22½
	$25,348	85	$25,348	85

A. JOYNER.

(B.)

REPORT

OF THE

PRESIDENT AND DIRECTORS

TO THE

Stockholders of the Roanoke Navigation COMPANY.

The President and Directors of the Roanoke Navigation Company, in making to the Stockholders their Annual Report, have to say, that there has been a decided improvement in the affairs of the Company. The revenue derived from tolls, has increased so much as to jus-

tify a dividend of two and three quarters per cent., and will leave a considerable surplus in aid of any deficit which may occur in the receipts of the coming year, or to meet any extraordinary expense. This increase of revenue is in part attributable to the altered and increased tariff of tolls, and in part to the scarcity of grain on the upper Roanoke, which lessened the competition of the wagons. While the President and Directors are not disposed to condemn as unwise the action of the Stockholders, whereby the tolls are increased, yet they feel it incumbent on them to suggest the propriety of having an understanding with the Petersburg Rail Road Company, whereby both Companies may be induced to lessen the rates in an equal proportion. It is known to the Company, that a great deal of the produce of the Roanoke valley finds an outlet through the James River Canal and the Appomattox. There is a struggle between the wagons and batteaux, which now operates seriously to the injury of the Company's interest, and which should be at once terminated by a reduction of twenty per cent. on the River and Rail Road. It does appear to your Directors as due to the community, as well as the dictate of an enlightened self-interest, to reduce a tax on the community, which does not enure to the benefit of the Stockholders. These suggestions are made to the Stockholders, that they may take such steps as may appear to them as most wise and proper.

The President and Directors of the works under their management, have to report, that they are in good condition, and that the whole river affords to the community a safe and easy access to market. The Company's superintendent, Eli A. Pearson, has, during the Summer, with the hands under his control, gone up and cleared as he went, the Roanoke river as far as Clarksville; from Clarksville, he went up the Staunton River to Green Hill, in the County of Campbell; thence returning, he ascended the Dan to the mouth of Banister; thence up that river as far as Meadsville, at the head of

navigation. Descending the river to its mouth, he then cleared obstrnctions from the bed of the Dan as far as Doct. Brodnax's, a few miles below Leaksville. On the whole, it is believed that the Roanoke and its branches were never in better condition for all the purposes of navigation. The President and Directors repeat their congratulations to the Stockholders, in the continued integrity and fidelity of its officers and agents. The first dollar is yet to be lost by the default of any person trusted by the Company in the capacity of officer.

All of which is respectfully submitted.

SAMUEL PANNILL, *President.*

WELDON, Oct. 29, 1846.

POST OFFICE ASHEVILLE, N. C.
Nov. 18th, 1846.

SIR:—Below I give you a copy of the Report of the Treasurer of the Buncombe Turnpike Company, which shows the amount of tolls collected by the Company. The Stockholders at their annual meeting on the 1st Monday in October last, declared a dividend of fourteen per cent. for the last year.

I am, &c.

M. PATTON, President.

To

WILLIAM A. GRAHAM, President
ex officio of the Board of
Internal Improvement.

REPORT.

In obedience to the provision of the Charter, I submit the following

REPORT,

Of the fiscal affairs of the Buncombe Turnpike Company, from the 1st of October, 1845, to the 1st of October, 1846.

The whole amount of Tolls collected at the Gates and from Stage contractors within the year, is	$5,238	09½
From the representatives of D. Vance, on his Note,	91	00
From John Davis, Tolls collected at the South Gate, for the Quarter, ending the 1st of October, 1845, which was not included in last year's report,	291	71
The amount reported in the Treasury, at October, 1845,	1,322	38¼
Makes the whole amount of available funds within the year,	6,943	18¼
Of which has been disbursed to the President, Secretary and Treasurer,	225	00

For work done on the Road, for overseer's wages, hire of hands and tools, is	1,207 04½
In paying dividend of five per cent. declared at October, 1845, and dividend of eight per cent. declared at January, 1846, the sum of	3,900 00
Making the whole amount of disbursements within the year,	5,332 01½
Which leaves in the Treasury on the 1st day of October, 1846, subject to the order of the Board, the sum of	1,611 14

Exclusive of the receipts at the North Gate, from the 1st of July to the 1st of October, 1846, which has not been received, and consequently is not included in this report.

J. ROBERTS, *Treasurer.*

OCTOBER 3, 1846.

(D.)

REPORT

OF THE

EXAMINING COMMITTEE

OF THE

WILMINGTON AND RALEIGH RAIL ROAD COMPANY.

The Committee, appointed at the last annual meeting of the Stockholders of the Company, for the purpose of investigating the affairs of the Company for the year ending the 1st October, 1845, beg leave to

REPORT:

That the accounts of the Company have been carefully examined, the vouchers, way and freight bills compared with the entries in the books, and found correct.

They find the whole liabilities of the Company on the 1st day of October, 1845, to amount to $658,376 10.

Which sum is made up of the following items, viz:

For bonds sold in England, bearing 5 per cent. interest,	$222,666	67
To the Literary Fund of the State of No. Ca. at 6 per cent. interest,	85,000	00
For Company's bonds endorsed by State of No. Ca. at 6 per cent. interest,	250,000	00
For Bills payable, bearing 7 per cent. interest,	30,000	00
For Do. bearing 6 per cent. interest,	17,000	00
For Do. not bearing interest,	1,698	65
For Scrip Bonds payable to Contractors at 6 per cent.	5,966	43
For Bonds payable for loss of Steamer North Carolina, at 6 per cent. interest,	91	27
For Negro Bonds due 1st January, 1843, at 6 per cent. interest,	778	75
For Do. due 1st January 1845, at 6 per cent interest,	3,294	00
For Do. due 1st January 1846, at 6 per cent. interest,	10,640	49
For balance due on pay rolls, to 1st October, 1845,	7,713	55
For balances of accounts due sundry individuals for materials, labor, &c. (of which $5,067 72 bears interest at 6 per cent.)	23,526	29
	$658,376	10

Amount of receipts from Raif Road from all sources, for the year ending 1st October, 1845, $161,484 11

Expenditures of Road for do.	121,805 55	
Profits of Rail Road,		$39,675 56
Amount of receipts from Steam Boats from all sources. for the year ending 1st October, 1845,	$127,009 34	
Expenditure of do. for do.	90.285 65	
Profits of Steam Boats,		36,723 69
Total amount of Profits of Rail Road and Boats,		$76,399 25

The amount of liabilities of the Company, as reported by the Committee at the last annual meeting of the Stockholders, amounted to the sum of $687,747 76

To which should have been added the sum of $111 64, omitted by the Committee, 111 64

Making the true amount of liabilities, as per the books of the Company, on the 1st day of October, 1844, 687,859 40

And also the further sum of $1,418 80, being for negro bonds due 1st of January 1844, the amount of which could not be ascertained on account of the loss of books by the fire, (see Report of last year,) this amount having been paid and charged to Rail Road account during the present year.

Your Committee further report, that there was in the hands of the Treasurer, on the 1st October 1844, in cash, 4,997 01

That the nett profits of the Road and Boats, as above set forth, for the year ending 1st October, 1845, 76,399 25

That there has been received on stock account,		1,132 03
That there was due from Post Office Department, and in the hands of Agents, on 1st October, 1844,		4,040 93
And that there was due by individuals for rent, work done, and balances of accounts, on 1st October, 1844,		3,185 77
Balance to profit and loss,		04
		$89,755 03
And that there has been applied to the liquidation of Company's debts,	$29,483 30	
To the payment of interest,	44,311 63	
" repairs of Depot at Wilmington,	3,166 27	
For the next following five items charged to Profit and Loss account, viz:		
Negro bonds and hire for 1843,	730 35	
Fines to Post Office Department,	484 00	
Lost baggage in 1843,	260 00	
Balance of bad debts,	197 52	
Cost of Court fees and registration of deed of mortgage,	117 60	
For loss by counterfeit money,	205 50	
Amount due from agents, 1st Oct. 1845,	4,078 75	
Amount due from sundry persons for work, rents, &c. 1st Oct. 1845,	3,270 30	
Cash in hands of Treasurer 1st Oct. 1845,	3,449 81	
		$89,755 03

We further report that there has been paid for the hire of negroes for the year 1843, as hereinbefore set

forth and charged to Rail Road account and to account of Profit and Loss, the sum of	2,149 15	
Which added to the sum of	29,483 30	
(Above reported as applied to the liquidation of Company's debts,)		
Makes an actual reduction of the liabilities of the Company, of		$31,632 45

Comparative monthly receipts and expenditures for the years 1841, 1842, 1843, 1844, and 1845.

Average monthly receipts of R Road			for 1841,	$13,552 34
Do.	do.	of do.	for 1842,	10,736 60
Do.	do.	of do.	for 1843,	10,175 73
Do.	do.	of do.	for 1844,	13,225 45
Do.	do.	of do.	for 1845,	13,457 01
Average monthly receipts of S. Boats,			for 1841,	11,216 69
do	do	do	1842,	8,496 71
do	do	do	1843,	8,672 02
do	do	do	1844,	10,902 37
do	do	do	1845,	10,584 11
do	expenses of R. Road		for 1841,	10,948 76
do	do	do	1842,	8,818 85
do	do	do	1843,	5,848 01
do	do	do	1844,	10,970 51
do	do	do	1845,	10,150 46
do	do	of S. Boats,	for 1841,	9,213 85
do	do	do	1842,	7,825 93
do	do	do	1843,	6,499 17
do	do	do	1844,	5,998 92
do	do	do	1845,	7,523 80

It will be seen by the above comparative table of receipts, that the receipts of the Rail Road for the year ending 1st Oct. 1845, are greater than any other year except that of 1841. In 1841, the fare through the line was $20, since which, it has been found expedient to reduce the same to $12, thereby shewing an increase of

travel on the Road for 1845, of upwards of 60 per cent. over 1841.

We find in the employ of the Company, at and from Wilmington to Weldon, and at Charleston, 392 persons, viz:

					Salary.
A President,					$2,000 00
1 Treasurer and Secretary,					1,500 00
1 Superintendent of Road and repairs,					1,200 00
1 Steam Boat Agent at Wilmington,					1,000 00
1 Steam Boat Agent and Mail Carrier at Charleston, including Wharf hands, &c.					1,400 00
1 Clerk to Treasurer at Wilmington,					600 00
1 Receiving Agent at Wilmington,					600 00
1 Overseer of Yard and Depot,					450 00
1 Agent at Weldon,					800 00
4 Train Agents, at $504 each,					2,016 00
1 Superintendent of Shops and Machinery,					1,000 00
1 Finisher,	at	$2 00		per day,	
6 do	at	1 87 1-2		do	
1 do	at	1 37 1-2		do	
1 do	at	1 25		do	
1 do	at	1 12 1-2		do	
2 do	at	1 00			
3 Apprentices,	at	12 50		per month,	
1 Blacksmith,	at	2 25		per day,	
4 do	at	1 87 1-2		do	
2 do	at	1 50		do	
1 do	at	1 12 1-2		do	
1 do	at	12 50		per month,	
1 Moulder	at	2 00		per day,	
1 do	at	1 50		do	
1 do	at	1 25		do	
1 do	at	1 12 1-2		do	
1 Pattern Maker		1 66 2-3		do	
2 Apprentices	at	15 00		per month,	
1 Watchman	at	26 00		do	
1 Painter	at	30 00		do	

1 Boiler Maker at	1 50	per day,	
1 do at	1 00	do	
1 Tender to St. Engine,	20 00	per month.	
8 Engineers at	60 00	do	
1 do at	30 00	do	
1 do at	25 00	do	
1 do at	15 00	do	
11 Firemen at	20 00	do	
1 Master Carpenter at Wilmington at $60 per month.			
2 Carpenters at	1 50	per day.	
2 do at	1 37 1-2	do	
3 do at	1 25	do	
1 do at	1 12 1-2	do	
1 do at	1 00	do	
1 Boy at	62 1-2	do	
4 Negro Carpenters, 2 at $200, 1 at $175, and 1 at $288			
7 Train hands, at 18 00	per month.		
5 do & Yard hands at 10 00	do		
1 Yard hand at 8 33 1-3	do		
1 do at 6	do		
8 Negro laborers in Blacksmith shop, &c.			$1,150 00
14 Depot Agents,			2,950 00
1 Master Carpenter on Road,			730 00
7 White do do			1,246 00
7 do Laborers do			851 00
3 Free black do do			216 00
12 Overseers of repairs, 1 do. Dirt train. 1 do. employed in laying iron,			5,160 00
6 Negro Depot hands at N. E., Weldon and Halifax,			322 75
10 Negro Carpenters,			1,647 00
142 Negroes employed on Road repairs,			8,140 00

STEAMBOATS.

3 Captains	$1,000 00	each.
3 First Mates	420 00	"
3 Second Mates	240 00	"
3 Engineers	720 00	"
1 do	480 00	"

3 Second Engineers	480 00	"
6 Wheelsmen	192 00	"
9 Firemen	192 00	"
9 Deck hands, (6 included in negro bonds)	120 00	"
3 Stewards	240 00	"
6 Waiters	120 00	"
6 Knife boys	66 00	"
3 Cooks	180 00	"
3 Assistant Cooks	60 00	"
3 Chamber Maids	96 00	"
1 Ship Keeper	300 00	
1 Caulker	180 00	
1 Washwoman	330 00	
1 Carpenter	1 62½	pr day
1 do	1 50	"
2 do	150 00	pr. an.

4 Wharf hands and Dray boys (included in negro bonds.)

There was an error in the last year's printed Report, as to the number of persons in the employ of the Company; instead of 330, it should have been 430.

Respectfully submitted,

JAMES GRISWOLD,
ALEX'R. McRAE, } *Committee.*
WM. S. BAKER,

NOVEMBER 5th, 1845.

REPORT

OF THE

COMMITTEE ON THE ACCOUNTS

OF THE

WILMINGTON AND RALEIGH RAIL ROAD COMPANY.

The Committee, appointed at the last annual meeting of the Stockholders of the Company, for the purpose of investigating the affairs of the Company for the year ending the 1st October, 1846, beg leave to

REPORT:

That the accounts of the Company have been carefully examined, the vouchers, way and freight bills compared with the entries in the books, and found correct.

They find the whole liabilities of the Company on the 1st day of October, 1846, to amount to $668,817 52.

Which sum is made up of the following items, viz:

For bonds sold in England, bearing 5 per cent. interest,		$222,666 67
To the Literary Fund of the State of No. Ca. at 6 per cent. interest,		85,000 00
For Company's bonds endorsed by State of No. Ca. at 6 per cent. interest,		250,000 00
For Bills payable, bearing 7 per cent. interest,		15,000 00
For Do. bearing 6 per cent. interest,		42,272 86
For Scrip Bonds due to Contractors		1,793 43
For Negro Bonds due 1st Jan. 1843,	505 00	
" do do do 1845,	1,014 00	
" do do do 1846,	1,420 48	
" do do do 1847,	18,270 00	
		21,209 48
For balance due sundry individuals for materials, labor, &c.		30,875 08
		$668,817 52

Amount of receipts from Rail Road for the year ending 1st October, 1846, viz:		
From Freight	$44,756 11	
" Passengers, &c.	103,469 60	
" transportation of Mail,	37,060 94	
		185,286 65
Amount of receipts from Steam Boats for same period, viz:		
From passengers and freight,	95,474 90	
From transportation of mail,	37,060 94	
		132,535 84
		$317,822 49

Expenditures of Rail Road for same period,	191,854 49	
Expenditures of Steam Boat for same period,	97,827 96	
		289,682 45
Balance of net profits,		$28,140 04

It will be seen that the expenditures of the Rail Road are to an amount greatly exceeding that of any previous year.

Your Committee think proper to explain, that there has been expended during the year for four new Locomotives, two new Coaches, a large number of new trucks, and a new coach house, the sum of $42,291 07, which does not properly belong to the current expenses of the Road.

There has also been charged to Rail Read account, a large amount for filling up truss work on the road, for new track to the wharf, filling up wharf lot, &c. which properly belongs to construction of the road, and not to the current expenses or Road Repairs, the construction account having been stopped and the items properly belonging thereto charged to Rail Road account by order of the stockholders.

It appears by the Report of the Superintendent of the Road and Road repairs, that there has been expended for Road repairs (including the sum of $21,747 74 for new iron) the sum of $79,790 46.

Your Committee further report, that there was in the hands of the Treasurer, on the 1st October 1845, in cash,	3,449 81
That there has been received on account of stock,	2,042 89
That there is due from Post Office, Agents and individuals,	7,349 05
That there has been deducted from Negro bonds,	111 67

That there is in the hands of Agent in England to pay interest,		5,576 65
Increase of Debt,		10,441 42
Nett profits for the year ending 1st October, 1846,		28,140 04
		$57,111 53

That there has been applied to the payment of real estate,		350 00	
To the payment of interest,	39,919 10		
To Colman and Stoltfort on account of interest,	5,585 78		
		45,504 88	
In the hands of Agents and due from the Post Office and Individuals,		7,704 09	
Paid on account of Survey,		50 00	
Loss by counterfeit money,		144 00	
Cash in hands of Treasurer 1st Oct. 1846,		3,358 56	
			$57,111 53

Comparative table of annual Receipts and Expenditures.

RAIL ROAD.

	Receipts.	*Expenditures.*
1841	162,628 08	131,385 14
1842	118,103 67	94,807 42
1843	122,108 72	70,176 09
1844	158,705 34	131,646 15
1845	161,484 11	121,805 55
1846	185,286 65	191,854 49

STEAM BOATS.

1841	134,600 31	110,560 20
1842	93,873 81	86,085 23

1843	104,064 27	77,990 08
1844	130,828 41	71,987 09
1845	127,009 34	90,285 65
1846	132,535 84	97,827 96

PERSONS IN THE EMPLOY OF THE COMPANY.

					Salary.
A President,					$2,000 00
1 Treasurer and Secretary,					1,500 00
1 Superintendent of Road and repairs,					1,200 00
1 Steam Boat Agent at Wilmington,					1,000 00
1 Steam Boat Agent and Mail Carrier at Charleston, including Wharf hands, &c.					1,400 00
1 Clerk to Treasurer at Wilmington,					600 00
1 Receiving Agent at Wilmington,					800 00
1 Overseer of Yard and Depot,					450 00
1 Agent at Weldon,					800 00
5 Train Agents, at				each,	504 00
1 Superintendent of Shops and Machinery,					1,000 00
5 Finishers,	at	$2 00		per day,	
2 do	at	1 87		do	
1 do	at	1 19		do	
3 Apprentices,	at	18 00		per month,	
4 do	at	15 00		do	
7 do	at	12 50		do	
1 do	at	10 00		do	
1 Blacksmith,	at	2 00		per day,	
3 do	at	1	87 1-2	do	
1 do	at	1	75	do	
1 do	at	1	50	do	
1 Moulder	at	1	87 1-2	do	
1 do	at	1	75	do	
1 do	at	1	12 1-2	do	
1 Helper	at	10 00		per month.	
1 do	at	8 00		do	
2 Boiler Makers,	each,	2 00		per day,	
1 do	at		75	do	

1 Helper	at	10 00	per month.
1 Pattern Maker		1 66 2-3	per day.
8 Engineers	at	60 00	per month.
1 do	at	45 00	do
1 do	at	30 00	do
7 Firemen	at each,	20 00	do
2 do	at	18 00	do
1 do	at	6 00	do
1 Watchman	at	30 00	do
1 Master Carpenter,		60 00	do
1 Carpenter	at	1 50	per day.
3 do	at	1 37	do
4 do	at	1 25	do
1 do	at	1 00	do
3 Train hands,	at	18 00	per month.
14 do	at	10 00	do
2 Yard hands	at	10 00	do
1 do	at	8 00	do
15 Overseers of Road repairs,	at	30 00	per month.
1 do	do	35 00	do
13 Agents at Depot and Water Stations,	ag'ate $2890 pr an.		
2 Laborers on Road Repairs,		12 00	per month.
2 do	do	10 00	do
2 do	do	6 00	do
3 do	do	15 00	do
3 do	do	8 00	do
2 do	do	6 25	do
2 do	do	5 83 1-3	do
1 Master Carpenter on Road,		60 00	do
4 Negro do	do	17 50	do
3 do	do	15 00	do
1 do	do	10 00	do
1 White	do	20 00	do

8 Negro Blacksmiths in Shops,
19 Wharf hands,
218 Negroes on Road,
} included in Negro b'nds.

STEAMBOATS.

3 Captains	each	$1,000 00	per an.
3 First Mates	"	420 00	"
3 Second Mates	"	240 00	"
4 First Engineers	"	720 00	"
3 Second Engineers	"	480 00	"
7 Firemen	"	240 00	"
6 Wheelsmen	"	192 00	"
12 Deck hands,	"	10 00	pr. m'h.
3 Stewards	"	20 00	"
6 Waiters	"	10 00	"
6 do	"	6 00	"
3 Cooks,	"	15 00	"
3 Assistant Cooks	"	5 00	"
3 Chamber Maids	"	8 00	"
3 Knife boys	"	5 00	"
1 Ship Keeper	"	25 00	"
1 Assistant do	"	20 00	"
4 Carpenters	"	1 62½	pr day.
2 do	"	1 50	"
1 do	"	75	"
1 do	"	20	pr. month.

485

Respectfully submitted,

JAMES GRISWOLD,
ALEX'R. McRAE,
HENRY NUTT.

November 10th, 1846.

EXECUTIVE DOCUMENT—NO. VI.

REPORT

OF THE

TREASURER OF THE UNIVERSITY

OF

NORTH CAROLINA.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

MESSAGE.

To the honorable, General
Assembly of North Carolina:

In pursuance of the Act of the General Assembly on that subject, I have the honor to transmit herewith a copy of the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina.

The accounts of the Treasurer have been submitted to a Committee of the Board, who report "that they have examined in detail the entries in said account current, and the vouchers by which they are sustained, and they find all the items accurately stated, and the vouchers are regular and satisfactory."

There are at present six vacancies in the Board of Trustees, to be filled by your honorable body.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,
Dec. 1, 1846.

REPORT.

RALEIGH, November 20th, 1846.

To the President and Board of Trustees
of the University of North Carolina:

GENTLEMEN: I have the honor to inform you, that the Receipts at the Treasury within the past fiscal year, embracing a period from November 20th, 1845, to November 20th, 1846, amount to $13,141 97

Which sum being added to (the balance remaining in the Treasury at the close of the preceding year,) forms an aggregate of 4,635 57 $17,777 54

That the Disbursements at the Treasury within the same period, amount to 6,479 50

Leaving a balance in the Treasury, at the close of the current fiscal year, viz. on the 20th of November, 1846, of 11,298 04

Which balance is deposited and stands to the credit of the Treasurer of the University, in the Bank of the State, at Raleigh.

The Receipts at the Treasury as aforesaid, consist of the following

ITEMS:

1. Old balance in the Treasury, as above stated,	$4,635 57
2. Dividends from Bank of the State, on 1000 Shares of Stock,	7,250 00
3. Interest on loans made to sundry individuals, and on notes held by the Board,	1,346 75
4. Amount received from M. E. Manly, as Executor of William Gaston, in full of principal of loan,	2,000 00
5. Do. William M. Green, in full of his note given for money loaned,	1,250 00
6. Do. M. Woodall, of Chatham County, for escheated property, paid in under an order of the Executive Committee,	25 20
7. Do. Thomas Ragland, do. do.	134 40
8. Do. Augustus Moore, as Executor of C. R. Kinney, for escheated property in Pasquotank, on judgment in Wake Court,	435 62
9. Do. J. W. Carr, W. J. Hogan, and C. Phillips, for Chapel Hill lots,	700 00
Which said several Items of Receipts compose the above-named aggregate of	17,777 54

The various items of Receipts and Disbursements are distinctly exhibited in detail, in the account current and vouchers which accompany this Report, and which are submitted as part thereof.

From statements furnished by the Bursar of the College, it appears that the sums received from the Students for Tuition and room rent, the first session of this year, amount to	3,626 00

And for the second Session, to	3,728 00
Making an aggregate of	$7,354 00

Which amount has been collected and disbursed by said Bursar, in part payment of Salaries to the Faculty, and other ordinary expenses incident to his office, according to his Reports and Exhibits, herewith presented.

From the Reports of the Bursar, it further appears, that during the first Session of the past year, eight students, and during the second Session, nine Students, received their Tuition in the College free of charge, according to an Ordinance of the Board of Trustees.

I have the honor to be,

Your obedient servant.

CHAS. MANLY,

Treasurer of University of N. C.

EXECUTIVE DOCUMENT—NO. VII.

MESSAGE

FROM

HIS EXCELLENCY, GOV. GRAHAM,

COMMUNICATING THE

Correspondence with the War Department,

ON THE SUBJECT

OF THE

MEXICAN WAR.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

RESOLUTION.

Resolved, That his Excellency, the Governor, be requested to furnish this House with any Correspondence, he may have had with the War Department of the General Government, in relation to the raising a Regiment in this State, to serve during the War with Mexico.

MESSAGE.

Hon. R. B. Gilliam,

Speaker of the House of Commons:

Sir: In compliance with the Resolution of the House, received on yesterday, I have the honor herewith, to lay before them the Correspondence of the Secretary and subordinate Officers of the War Department, with this Office, in relation to raising a Regiment of Volunteers in this State, to serve during the War with Mexico.

I deem it proper also to inform you, that in consequence of this Correspondence, and the urgent request of Captain Long, commanding Company A., from the County of Rowan, he was instructed on the 23d inst. to commence his march to Wilmington. On receiving a subsequent Letter from the Secretary of War, appointing a Rendezvous at Charlotte, this Company, for its greater accommodation, was ordered on the 26th inst. to repair to the latter place, unless the march to Wilmington had been commenced. And by the mail of last night, the Adjutant General is informed, that the latter order had been received and would be complied with by the 5th inst.

For similar reasons, and at the request of Captain Louis D. Wilson, commanding the Company B., from the County of Edgecomb, he was instructed to march his Company to Wilmington at their early convenience, and is expected to arrive there in the course of the next week.

Believing it would promote the good of the service, and accommodate the Volunteers, for whom a very inadequate provision is made by law, before reaching the place of Rendezvous, I readily adopted the suggestion proposing to muster them in by Companies.

WILL. A. GRAHAM.

Executive Department,
Jan. 2d, 1847.

CORRESPONDENCE.

WAR DEPARTMENT,
November 16th, 1846.

SIR: In my communication of the 19th of May last, your Excellency was requested to organize one Regiment of Volunteers, under the Act of the 13th of that month, to be held in readiness for public service.

The President now directs me to notify your Excellency, that one Infantry Regiment of Volunteers from your State is required for immediate service, and to be continued therein during the War with Mexico, unless sooner discharged. The Regiment will consist of—

Field and Staff.
- 1 Colonel,
- 1 Lieutenant,
- 1 Major,
- 1 Adjutant—a Lieutenant of one of the Companies, but not in addition.

Non-commissioned Staff.
- 1 Sergeant Major,
- 1 Quarter Master Sergeant,
- 2 Principal Musicians, and

10 Companies, each to consist of

1 Captain.
1 First Lieutenant,
2 Second Lieutenants,
4 Sergeants,
4 Corporals,
2 Musicians, and
80 Privates.

Should the number of privates, on being mustered, not fall below sixty-four effective men in a Company, it will be received.

Wilmington is designated as the place of rendezvous for the several Companies, as fast as they shall be organized, and where they may be further organized into a Regiment, if not already done under a previous call. The Regiment will be inspected and mustered into service by an officer or officers of the United States Army, who will in every case be instructed to receive no man who is, in years, apparently over forty-five or under eighteen, or who is not of physical strength and vigor. To this end, the Inspector will be accompanied by a Medical Officer of the Army, and the Volunteers will be submitted to his examination. It is respectfully suggested, that public notice of these requirements will prevent much disappointment to the zealous and patriotic citizens of your State who may be disposed to volunteer.

By the enclosed copy of an Act, authorizing the President to call for Volunteers, it will be perceived that all the Field and Company Officers, of Volunteers, taken into the service of the United States, are to be appointed and commissioned, or such as have been appointed and commissioned, in accordance with the laws of the State whence they are taken; and I would suggest the extreme importance to the public service, that the Officers for the above Regiment be judiciously selected.

By the Act of Congress above referred to, it will also be seen, that the terms of service are for "twelve months,

or to the end of the War, unless sooner discharged ;" and it may be, that the Regiment which has been enrolled in your State, and is now in readiness to enter the service, may regard their offer as made with reference to the former period. Should this be so, your Excellency will cause them to be informed that the engagement required by this requisition, is to the end of the War with Mexico, unless sooner discharged ; and on this condition only will their services be required. With this understanding, the Regiment will be accepted. If the modification suggested should not be acceptable to the Regiment which has tendered its services, you are respectfully requested to proceed without delay to enrol and organize one in fulfilment of this requisition.

It may be proper to remark, that the law provides for the clothing (in money,) and subsistence of the non-commissioned officers, musicians, and privates, of Volunteers who are received into the service of the United States.

In respect to clothing, the law requires that the Volunteers shall furnish their own clothing, for which purpose, it allows to each non-commissioned officer, musician, and private, three dollars and fifty cents per month, during the time he shall be in the service of the United States. In order that the Volunteers who shall be mustered into service under this requisition, may be enabled to provide themselves with good and sufficient clothing, the commutation allowance for six months, (twenty-one dollars,) will be advanced to each non-commissioned officer, musician, and private, after being mustered into service, but only with the express condition, that the Volunteer has already furnished himself with six months clothing. This fact to be certified to the Pay-master by the Captain of the Company, or that the amount thus advanced shall be applied, under the supervision of his Captain, to the object contemplated by law. In this latter case, the advance commutation for clothing will be paid on the Captain's certificate that he is satisfied it will be so applied.

In respect to subsistence before arriving at the place of rendezvous and for travelling home from the place of discharge, the allowance is fifty cents for every twenty miles distance.

The President requests that you will be prompt as possible in the arrangement of this whole matter, in order that the Volunteers may be ready for immediate service. Officers of the Quarter Master and Subsistence Departments, will be immediately ordered to the place of rendezvous, with funds to defray the necessary expenses which may be incurred.

Very respectfully,
Your ob't. serv't.

W. L. MARCY,
Secretary of War.

His Excellency, Wm. A. Graham,
Governor of North Carolina,
Raleigh, North Carolina.

EXECUTIVE OFFICE, }
Raleigh, Nov. 19, 1846. }

SIR:—I have the honor to acknowledge by the mail of yesterday, your letter of the 16th inst. containing a requisition of the President of the United States, for a Regiment of Infantry Volunteers, for the prosecution of the War with Mexico.

The Regiment formerly enrolled in this State, tendered their services without any specification of time, either in the order calling for them or their acceptance. I have deemed it necessary therefore to have the requisition now made, brought before them in its new aspect, and in the event of any Company declining, to have its place supplied as early as practicable.

The Companies now organized, all reside in the Counties West of this City, except one, and several of them in the Mountain region of the State. I therefore suggest that the place of rendezvous should be Charlotte or Salisbury, instead of Wilmington, and the port of shipment, Charleston, So. Ca. instead of the Sea-board of this State. By casting your eye on the Map of North Carolina, you will perceive that the Troops could move from their residences in Cherokee, Buncombe, McDowell, Ashe, Surry, Rowan, Davidson, Caswell and Orange; and reach the Sea-board much sooner at Charleston, than Wilmington, taking Rail Road conveyance at Columbia. The only other Company is from the County of Lenoir, and could be sent by Rail Road to Wilmington and inspected there, and meet the Regiment in Charleston. I make this suggestion on the supposition, that the present Regiment

will accept the new terms. If they should not, the point of rendezvous should be accommodated to the place of residence of the new levies.

My order of to-day appoints no place of rendezvous, but directs the Captains to be ready for marching orders as early as practicable, and informs them that the place will be appointed in a very few days. I shall only wait your requirement on the subject and submit these suggestions from a desire to expedite the concentration of the Troops as much as possible. You will bear in mind that there is no Rail Road or navigable river in our territory, West of Raleigh, which could aid in the progress of the Regiment.

I am very respectfully,
Your ob't. serv't.
WILL. A. GRAHAM.

Hon. W. L. MARCY,
Secretary of War.

War Department,
November 23d, 1846.

Sir: I have the honor to acknowledge the receipt of your communication of the 19th inst. covering a copy of your General Order of the same date.

In respect to a change in the place of rendezvous and of embarkation for the Regiment called for from North Carolina, I have the honor to state, that such change would conflict with the arrangements already in progress, and would be incompatible with the interests and economy of the service. Under these circumstances, the Department is constrained to decline a compliance with your suggestions.

I have the honor to be,
Very respectfully, your obd't. serv't.
W. L. MARCY, Sect. of War.

His Excellency, Will. A. Graham.

Executive Office,
Raleigh, Nov. 27th, 1846.

Sir:—By the mail of yesterday, I received your letter of the 23d inst. in reply to my suggestion as to a change in the place of rendezvous for the Regiment of Volunteers required from this State by the President, and will immediately issue in orders in compliance therewith.

I have also been advised by a letter from Lt. Col. Talcott, of the Ordnance Office, that Arms for the Regiment have been ordered to Wilmington from the U. S. Arsenal at Fayetteville, and by Capt. Bradford, commanding at the latter place, that this order had been received by him.

I have likewise to acknowledge the receipt of a letter from W. G. Freemont, Assistant Adjutant General, informing that Brevet Major R. D. A. Wade, now on duty at Fort Moultrie, S. C. had been designated to muster and inspect the Regiment, and enquiring at what time it might probably be expected at the rendezvous. In reply to which, I have the honor to state, that my impression is, that the Troops will reach Wilmington about the 1st of January. This, however, is mere opinion, and you shall receive further advices on this point, at the earliest day practicable. It would expedite their concentration at the place of rendezvous, I have no doubt, if the amounts allowed the men for subsistence on the way to the place of being mustered, could be advanced to their Captains, or other officers, on leaving home. Some Companies of the present Regiment, if they ac-

cept the new terms of service, must march three hundred miles to the place of rendezvous.

I am, with high respect,

Your obedient servant,

WILL. A. GRAHAM.

Hon. W. L. MARCY,

Secretary of War.

FORT MOULTRIE,
Nov. 25th, 1846.

SIR: I have the honor to inform you, that I have received instructions from the Department of War, to muster into the service of the United States, one Regiment of Volunteers from North Carolina, and would respectfully ask to be informed at what time my services will probably be required.

I have the honor to be, sir, very respectfully, your obedient servant,

R. D. A. WADE,
Brev. Major.

His Excellency, W. A. GRAHAM,
Gov. N. C.

EXECUTIVE OFFICE,
Raleigh, Nov. 30th, 1846.

SIR: Your letter of 25th inst., informing me of your appointment to muster into the service of the United States, the Regiment of Infantry Volunteers required from this State, and enquiring at what time they may be expected at the place of rendezvous, has been received. I have the honor to state in reply, that probably about the 1st of January next, the Regiment may be expected at Wilmington. The great distance from that place to the residences of the Volunteers, who come principally from the Western part of the State, renders it impossible to bring them to that point as early as might have been desired. I will, however, apprize you of their time of arrival there, as soon as it can be ascertained, giving you ample time to precede them.

Very respectfully, your obd't. serv't.
WILL. A. GRAHAM.

Brevet Major R. D. A. WADE,
Fort Moultrie, So. Ca.

WILMINGTON, N. C. }
Dec. 2d, 1846. }

His Excellency, WILL. A. GRAHAM:

SIR: I have the honor to inform you, that I have this day reached Wilmington, designated as the place of rendezvous for the Regiment of Infantry called into the service of the United States from your State, with instructions to furnish it with camp equipage, subsistence and transportation, to Point Isabel, Texas. Transports have already been engaged in New York and Baltimore for this purpose, and subsistence shipped on board for the passage out. The camp equipage will be here in a few days from Philadelphia.

Arms have already reached here for the Regiment, as I am informed.

This Regiment will, I presume, reach here by Company; and, of course, it would be desirable to have each Company mustered as it arrives.

I have, however, no authority to muster them into service, that duty having been assigned to another Officer. Anticipating some difficulty and inconvenience to the Volunteers, I shall immediately address a letter to the Department at Washington, asking authority to muster the troops into service, as soon as they arrive at this place; and if you think it of any consequence to them to be received at once, I wish you would also ask for this arrangement.

I am, sir, your obedient servant,

S. L. FREMONT, 1st Lieut.

GOV. GRAHAM.

Executive Office, }
Raleigh, Dec. 7th, 1846. }

Sir:—Your letter of the 2nd inst. announcing your arrival at Wilmington, with instructions to furnish camp equipage, subsistence, &c. for the Regiment required from this State, to aid in the War with Mexico, has been received. In reply, I have the honor to state, that but few Companies, if any, of the former Regiment of Volunteers, will accept the terms of service now prescribed. I have therefore this day issued a new order for the organization of a Regiment, but it is uncertain at what time it may reach Wilmington, probably not before the middle of January. I have informed the Secretary of War accordingly, and adopting your suggestion, I have also stated to him, that expecting the men to be mustered into the service of United States by Companies, I will order each Company to commence its march as soon as organized.

Very respectfully.
Your ob't. serv't.
WILL. A. GRAHAM.

Lieut. S. L. Fremont,
Ass. Qr. Master, &c.
Wilmington.

EXECUTIVE OFFICE,
Raleigh, Dec. 7th, 1846.

SIR: Having promised to keep you advised of the progress made in raising the Regiment of Volunteers required of this State, by your despatch of the 16th November, I have the honor now to state, that there is little probability that the Regiment which tendered its services under the requisition of May last, will accept the terms now proposed. Four Companies have reported their unwillingness to do so; and no others have been heard from officially. I have, therefore, no expectation that the Regiment can be at the place of rendezvous as early as the 1st of January. I have to-day, issued a General Order, directing the Colonels of all the Militia Regiments of the State, to call out their commands, and afford them an opportunity of volunteering, with the annunciation, that the Companies first offering themselves will be received. Under this, I have no doubt a Regiment will be raised; but with the want of facilities for transportation under which we labor, I do not think the Companies can be concentrated at Wilmington before the middle of January, at the earliest.

It would expedite their movements, I have no doubt, if the mustering Officer of the United States could inspect them by Companies, near their homes, and furnish camp equipage, subsistence, &c. from thence.

If this be not practicable, I hope they will be mustered into service by Companies, on their arrival at the place of rendezvous, as some time may elapse between their times of arrival: and unless instructed otherwise

by you, I will order each Company as it becomes organized, to commence its march to Wilmington.

I am informed by Lieut. S. L. Fremont, of his arrival at Wilmington, with funds to defray the expenses of the Regiment, in marching thither, &c.

Very respectfully, your obedient servant,

WILL. A. GRAHAM.

Hon. W. L. MARCY,
Secretary of War.

War Department,
December 23d, 1846.

Sir: I have the honor to inform you, that instructions have been given to the Staff Department, to cause such of the Companies of the North Carolina Regiment as may assemble at Charlotte, to be there mustered into service, and sent thence to Charleston, South Carolina, where they will be embarked for their destination. The remaining Companies of the Regiment will rendezvous in Wilmington, the place originally selected.

I have the honor to be, very respectfully,
Your obedient servant,

W. L. MARCY,
Secretary of War.

His Excellency, W. A. Graham,
Gov. of North Carolina.

EXECUTIVE DEPARTMENT,
Raleigh Dec. 21st, 1847.

SIR:—Having promised to keep you advised of the progress of enrolling Volunteers for the service of the United States, under the late requisition of the President on this State, I have the honor to inform you, that Company A. of the Regiment required, commanded by Capt. Richard W. Long, is now fully organized at Salisbury, in Rowan County, and that orders have been issued to him, to march his Company to Wilmington as early as practicable. It is to be regretted, that at least one Battalion of this Regiment had not been permitted to rendezvous in the Western part of the State, and I am yet of opinion that the service would be promoted by a regulation to that effect. All the Companies of the former Regiment have declined to accept the terms of the new requisition, as far as heard from, except that in Rowan, and a considerable part of that, consists of new recruits. I send you herewith a copy of the second General Order, issued from this office, to raise the Volunteers required, and the Adjutant General in addition to that, has issued a Circular Letter to the Colonels in command of Regiments of Militia, to return any Volunteers who may tender themselves, to the end that they may be formed into Companies, by bringing together those from the same section of country.

I would have appointed and announced the Field Officers of the Regiment before this, but that the Legislature now in session, has before it a proposition to change the

mode of appointment. Most of the Militia are ordered to assemble in their respective Counties, under the recent order, between Christmas and New Year's day. Soon after the latter period, you may expect from me the result of their meeting.

Very respectfully,
Your ob't. serv't.

WILL. A. GRAHAM.

Hon. W. L. MARCY,
Secretary of War.

Wilmington, N. C.
27th December, 1846.

His Excellency, William A. Graham,
Governor of North Carolina, Raleigh:

Sir:—I have this moment received instructions from the War Department, to muster at Charlotte, such of the Companies of the Regiment of Volunteers called from your State as may assemble at that place, and send them thence to Charleston, S. C. where they will be embarked for their destination. The remaining Companies of the Regiment will rendezvous at this place.

I therefore, have the honor to request, that you will inform me of the number of Companies that will rendezvous at Charlotte, and when they will all be assembled. My duties here will require all my attention, and I cannot leave until I can expect to find all the Companies concentrated at Charlotte, in order that I may muster them at once and return here without unnecessary delay. It is important that I should know the number of Companies that will rendezvous at Charlotte at an early day, that I may despatch an Agent with the camp equipage, for them immediately.

It is the wish of the Secretary of War, I presume, to embark the first two or three Companies without delay, and instructions are in my possession for the Colonel of the Regiment to inform the Department the earliest period at which they can be ready for the field.

I am very respectfully,
Your ob't. serv't.

S. L. FREMONT,
1st Lt. 3d Artillery,
Mustering Office,
N. C. Volunteers.

P. S. I would respectfully recommend, that as many of the Companies as convenient, rendezvous at Wilmington, as I can supply them better here than at Charlotte.

S. L. FREMONT.

EXECUTIVE DOCUMENT—NO. VIII.

MESSAGE

FROM

THE GOVERNOR

IN RELATION TO

THE HISTORY OF NORTH CAROLINA.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

MESSAGE.

To the Honorable, the General

Assembly of North Carolina:

By a Resolution of the last Session of the Legislature, the Governor was authorized and empowered to collect such papers as might be necessary, to complete the series of Letter Books in the Executive Office, and have them copied and arranged; and to obtain, as far as practicable, either the original papers, or copies of the proceedings, of the several Town, County and District Committees, organized in the Province of North Carolina, in compliance with the recommendation of the Continental

Congress of 1774; and the proceedings of the various Committees and Councils of Safety, subsequently convened under the authority of the Provincial Legislature. And an appropriation was made to defray the expense which might be thereby incurred.

Soon after their adjournment, a notice of this Resolution was published in all the Newspapers of the State, of which, a copy is transmitted herewith.

The period for which no Letter Books are preserved, extends from the organization of the present Government in 1776 to 1784, and comprises the administrations of Governors Caswell, Nash, Burke and Martin.

The correspondence of Governor Burke, preserved by his only descendant until her removal from the State, and then left in the possession of a highly respectable citizen of the County of Orange, was readily obtained, and was found to be a most interesting contribution to our Revolutionary History. Finding that he was a distinguished member of our own Provincial Congress, a delegate from the State to the Continental Congress from 1776 continuously, until he was elected Governor in 1781, and that during a part of the year for which he had been chosen to the latter office, he was detained as a prisoner at James' Island, near Charleston, S. C. by the British Commander, having been captured in a descent of the Tories upon the Town of Hillsboro', and that his correspondence threw much light upon the history of public events, both State and Continental, during this whole period, I directed it to be transcribed entire, at an expense of $225. The two folio volumes in which

the transcript is contained, are in this Office, and will well repay a perusal by any reader, and furnish abundant resources to the future historian. It is regretted, that a most interesting portion of the letters of Mr. Burke, were not discovered in time to be copied in their chronological order in these volumes. It consists of his letters, while a delegate in the Continental Congress, to Mr. Caswell, then Governor of the State, on the condition of public affairs from 1776 to 1780, and contains sketches at some length, of the debates of that body, which sat with closed doors. It seems that the proceedings were required to be kept secret until final action on any measure, but not afterwards. And that his memoranda were preserved, and furnished the basis of reports to the Governor, of the debates on all subjects of interest. These letters have been discovered among the papers of Governor Caswell, and will be copied with them.

A memorandum of the latter gentleman, left with his family, and describing his papers "deposited in the office of Secretary of State, at the request of the Legislature," has led to the discovery in that office, of all these documents in a good state of preservation. My own leisure has not been sufficient to make the selection from these, and give directions to have them transcribed. And it is my intention, to place them in the hands of a gentleman, who has paid much attention to that period of our history, that they may be properly revised and copied.

Of the letters of Governor Nash, and the first year of the administration of Governor Martin, I have been able

to procure but few. These however, which relate principally to the British invasions in 1780–'81, are of deep interest, and serve to increase our regret that the residue have not been preserved.

I have not been so fortunate as to collect any documents of the kind mentioned in the latter branch of the Resolution of the Legislature, i. e. the records of the Town, County and district meetings, except those pertaining to the memorable Declaration of Independence, in Mecklenburg in May 1775, from which the publication of the Legislature was made on that subject in 1831. After that pamphlet was compiled, the various original papers referred to in it, were returned by Governor Stokes to Dr. J. McKnitt Alexander, of Mecklenburg, at the request of the latter, by whom they had been collected and furnished to the General Assembly. These were obtained from the family of the only son and Executor of Dr. Alexander, (both father and son being now dead,) in the Autumn of 1845, and are now in this office.

I respectfully recommend to yonr consideration, whether it is not expedient to publish a new edition of this pamphlet, with notes containing the additional evidence of the authenticity of the declaration. And also the Journals of the various provincial Congresses and Committees of Safety, from 1774 to 1776 inclusive, together with the Journal of the Board of War alluded to in the advertisement appended hereto. I am satisfied from a casual reading of these latter papers, that no State of the original thirteen, can boast of a documentary History, more creditable to itself for spirit, states-

manship, or enlightened love of freedom, and a valorous defence of it, than is to be found in these unpublished manuscripts.

WILL. A. GRAHAM.

Executive Department,
Jan. 8th, 1847.

REVOLUTIONARY HISTORY

OF

NORTH CAROLINA.

EXECUTIVE OFFICE,
March 1st, 1845.

The undersigned most respectfully invites public notice to the following Resolution, adopted by the General Assembly at its last Session, viz :

Resolved, That His Excellency, the Governor, be, and is hereby authorized and empowered to collect, if possible, such papers as may be necessary to complete the

series of Letter Books, and have them copied and arranged under his supervision; and to obtain, as far as practicable, either the original or copies of the proceedings of the several Town, County, and District Committees, organized in the Province, in compliance with the recommendation of the Continental Congress of 1774, for the purpose of carrying into effect the Articles of American Association; and the proceedings of the various Committees and Council of Safety, subsequently convened under the authority of the Provincial Legislature.

It will be observed, that the Resolution requires the collection of two classes of Documents:

1*st.* The correspondence of the Executive Department, from the adoption of the Constitution in 1776, till the latter part of the year 1784, when it was first made the duty of the Governor, by Act of the General Assembly, to keep a Letter Book for the purpose of recording all important Letters. The period embraces the entire administration of the three first Governors, viz. Caswell, Nash and Burke. The correspondence of Governor Burke exists, as I am informed, in a good state of preservation, and can be readily obtained. A part of that of Governor Caswell has been found in the Department of State, since the adjournment of the Legislature, corresponding in the number of the packages, and in other particulars with a memorandum left by him, of his public papers, stated to have been deposited in that Office. And the residue, it is believed, are also there. Of the papers of Governor Nash, none have been as yet discovered, except letters written to him by the Board of War of the State, which held its session first in Hillsboro', and subsequently at Halifax, from the 14th of September, 1780, until the 30th of January, 1781, copies of which are recorded on the Journal of the Board, presererd in the Department of State. Frequent entries also appear on that Journal, of letters, said to have been

received from him, and numbered and filed, but not copied. As his death occurred but a few years after his administration, and during the early childhood of his only surviving son, this gentleman, in reply to enquiries from me, is unable to give any information respecting them. If yet in existence, and not among the mass of old documents in the Capitol, they may most probably be found in the Town of New Berne, the residence of the author during the time he held the office of Governor.

2d. The second class of Documents, relates to the period which preceded the organization of the State Government under the Constitution, from 1774 to December 1776. A large manuscript bound volume, in the Office of the Secretary of State, contains the Journals of:

1st. A Provincial Convention or Congress at New Berne, on the 5th of August, 1774, at which were appointed the first delegates to the Continental Congress in the following month.

2d. A similar Convention at the same place, 3d of April, 1775.

3d. A Congress at Hillsboro', 20th of August, 1775.

4th. A Provincial Council at Johnston Court House, 18th October, 1775.

5th. A Provincial Council at Johnston Court House 18th December, 1775.

6th. A Provincial Council at New Berne, 28th of February, 1776.

7th. A Congress at Halifax, 4th of April, 1776.

8th. A Council of Safety at Wilmington, 5th June, 1776.

9th. The Journal of the Congress or Convention at Halifax, 12th November, 1776, which formed the Constitution, is in a separate volume. The Provincial Congresses or Conventions, and in their recess, the Provincial Councils, exercised all the general powers of Government, Legislative, Judicial and Executive, from the

dissolution of the Royal Government until the present organization. But besides these general depositories of sovereign powers of the State, there were Town, County and District Committees, in the several sections, who exercised a local jurisdiction "in compliance with the recommendation of the first Continental Congress, for the purpose of carrying into effect the Articles of American Association. The memorials of the proceedings of those Committees, can be obtained only in the Districts where they acted. And the object of this publication is to request those, having control of any such papers as are comprehended in the above mentioned Resolution, to comply with the patriotic desire of the Legislature, in forwarding them to this Office, to be arranged and preserved for public inspection. Or at least, to grant a temporary use of them, for the purpose of examination and making copies. After which, if desired, they will be returned. Gentlemen in the different Counties, where such memorials exist, who have leisure and take an interest in such investigations, are particularly solicited to lend their aid in seconding the efforts of the Government, to rescue from oblivion these honorable testimonials of our Revolutionary History. The assistance of the Newspaper press, is also invoked, by copying this article.

WILLIAM A. GRAHAM.

REPORT

FROM

THE PUBLIC TREASURER,

IN ANSWER TO

A RESOLUTION OF THE LEGISLATURE.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

Treasury Office of North Carolina,
Raleigh, 14th Dec. 1846.

To the honorable, the General
Assembly of North Carolina:

The House of Commons having passed the following Resolution, "Whereas, the State of North Carolina has become liable, by endorsements, for the Raleigh and Gaston Rail Road Company for the amount stated in the Report of the Public Treasurer, and the present Legislature being determined, so far as depends on their action, to preserve the faith and credit of the State, and to enable her to meet promptly all her liabilities. Therefore, *Resolved*, that the Public Treasurer be called on to submit to this Legislature his views in regard to a scheme of Finance, whereby a Fund can be created to meet the wants of the Treasury arising from the endorsements aforesaid;" the Public Treasurer in obedience thereto, has the honor to submit the following Report.

REPORT.

STATE LIABILITIES.

The State became responsible for $500,000 as a surety of the Raleigh and Gaston Rail Road Company, bearing interest at the rate of 6 per cent. per year, payable half yearly.

The principal of the Debt is redeemable at the pleasure of the State after 1st January, 1860. (Act of 1838.)

Of this Scrip, individuals hold at this time,	$360,000
The Literary Board holds at this time,	140,000
Whole Loan,	$500,000

The Interest has been paid to July, 1846.

The State afterwards became responsible in like manner for the same company, for the sum of $300,000, bearing the same rate of interest. The principal of the debt

is redeemable by annual instalments of $30,000, beginginning in January 1845. (Acts of 1840.)

Of this Scrip, the Literary Board holds		$23,300
Individuals now hold		203,200
		$226,500
The instalments due in January 1845 and January 1846, having been paid off,	60,000	
There remains on hand, *not used* by the Company, of the $300,000 loan,	13,500	
		$73,500

So any "scheme of Finance," which will "preserve the faith and credit of the State, and enable her to meet promptly all her liabilities," must provide revenues to pay the following sums and the interest on them, to-wit:

To individuals, a principal debt of	$563,200
To Literary Fund, do. of	163,300

The debt to individuals falling due at different periods and by unequal instalments, and that to the Literary Board all at one time, January 1860, except $23,300.

WAYS AND MEANS.

After the annual Report from this Department, it is hardly necessary to remark, that the Revenues of the State Treasury are not sufficient to meet these demands upon it. But the difficulty may be obviated in several ways, without hazarding the public faith.

First.

Let the President and Directors of the Literary Fund call in their outstanding loans, (as recommended in the

Governor's Message,) and invest the amount in the scrip now held by individuals, (of the $500,000 loan,) so as to purchase at least $63,200, as on the 1st January 1847, and hold the same as a part of the invested Funds of that Board.

Let the Public Treasurer sell and dispose of Two thousand Shares of the Stocks owned in the Bank of the State and in the Bank of Cape Fear, viz: 1,000 Shares in each Bank and apply the proceeds in satisfaction of so much of the $300,000 loan as remains unpaid; crediting the Literary Board with $200,000 principal, on account of said Stock at the State Treasury.

Let the Raleigh and Gaston Rail Road be conveyed to the President and Directors of the Literary Fund forthwith, with power to control and manage the same, and to take the profits until it can be otherwise disposed of; and let said Board be directed to sell the said Road upon such terms as they shall deem best for the interest of the Fund, with a guaranty that their bargain shall be approved, whether the purchaser be an individual or an incorporated company, &c. And upon the conveyance of said Road to the said President and Directors, let them be charged by the State Treasury with $363,000 the price bid for said Road.

The State by the same Act might pledge herself to make good to the said Fund, in the end that any loss may occur in the re-sale of said Rail Road, and to preserve and keep up the income of said *Fund* to 6 per cent. per annum by future appropriations thereto, should they become necessary.

These changes being made in the public property, (and with the means on hand they may be accomplished by the operation of simple resolutions requiring the State officers and Agents to make them,) the debt owing to individuals will be redneed from $563,200 due by instalments to $300,000 payable after 1st January, 1860. And the yearly interest payable to individuals will be reduced from $33,822 to $18,000.

ADDITIONAL REVENUES.

To provide for the interest on the Public Debt, and to commence a system for accumulating a fund to sink the principal for both, or either, it will be necessary to enlarge the Revenues of the State Treasury. This may be done also, without any fundamental changes of the existing system of taxation in North Carolina, and without oppressing the people by unreasonable exactions. The Public Treasurer, in obedience to the mandate of the House of Commons, respectfully suggests, therefore, that the following taxes might be levied and paid into the State Treasury, as the necessary part of any "scheme of Finance" to be devised for meeting the demands upon it:

1st. Let the vacant lands in the State, heretofore excluded from entry, be made liable to sale by entry, at such prices as may be reasonable, and that will probably increase the receipts for entries per year, at least	$8,000
2d. Let the Tavern Tax, and Tax on Retailers, and Tax on Auctions, with all monies hereafter paid into the Treasury by virtue of the present Revenue laws for Land Entries, be and remain therein as a part of the State Treasury, until the year 1860, any law to the contrary notwithstanding. They amount, per year, to about	12,000
3d. Let the Tax now collected upon Tavern Licences, and Licences to retail Spirituous Liquors, be increased from $4 to $5, viz. by adding one dollar to the present tax, estimated yearly at	750
4th. Let the Taxes now collectable upon the licences of Attorneys at Law, be required	

to be paid into the State Treasury, through the agency of the Clerk of the Supreme Court, estimated yearly at	500
5th. Let there be a State tax imposed upon the original writ or leading process in each suit in any Court of Record, and upon each indictment found by the Grand Jury, say one dollar, provided that where there are more than two defendants charged in the same indictment, each one shall pay the full tax; estimated at	1,250
If not over-estimated. they would increase the revenues of the Treasury about	22,500
Which, being added to the existing surplus of	18,500
Will make	$41,000 a year.

These may be increased by Taxes imposed upon various articles of property of luxury, already under consideration by the General Assembly, should it be considered wise and proper to do so.

This brings us to the important practical inquiry, whether such a surplus will enable the State to redeem her faith, and preserve her credit? With the arrangements proposed, the Public Treasurer reports, that in his opinion there is no reasonable ground to doubt it.

Thus after paying the interest, $18,000 upon the debt to individuals, there would remain in the Treasury nearly or quite $22,000, which would be more than sufficient to pay the interest accruing upon the debt to the Literary Fund Indeed, it will pay the interest and leave a considerable residue for sinking the principal of the public debt, aided as it will be by the income of the Rail Road before it is sold and the purchase money afterwards.

SECOND.

Another scheme for meeting the said demands might be considered more wise, though it is rather the same scheme with a single modification; and that is, instead of selling 2,000 Shares of Bank Stock to pay $200,000 of the debt, let the State sell 3,000 Shares of Bank Stock and pay off $300,000 of the debt, so as to leave only $200,000 of this debt in the hands of individuals and reduce the annual interest to be paid to them from $18,000 to $12,000. Very prudent men who have been consulted, differ in their opinions on this point, and the Public Treasurer submits it to the General Assembly to decide between the two schemes without comment.

From these statements it must be obvious to the plainest mind, that the "scheme of Finance" here proposed, if adopted, will preserve the credit of the State and effectually protect the public honor. If the revenue to be derived from the taxes recommended should fall below the estimates one half, still the interest of the public debt will be in hand to pay *individual creditors* and the honor and credit of North Carolina will be preserved.

OBJECTIONS.

The objections which have been made against it, have been candidly examined so far as the Public Treasurer has had it in his power to consider them.

FIRST. It is said that this scheme transfers the Rail Road to the Literary Fund at more than it is worth.

The answer is, that the Board has power to sell the Road, and the State, by this "scheme of Finance," pledges herself beforehand to make good any loss to the School Fund. And admitting the fact of a loss being probable, is it not better to tax the people to pay a loss after it shall have been ascertained, than to burthen them beforehand, when it may turn out in the end that there will be no losses to pay? Cannot the State's own

Board trust the State? Cannot North Carolina trust herself? If not, how is her credit to be preserved in the world?

It is believed by many persons, that the Rail Road will sell for $363,000. If so, there can be no loss to the Literary Fund. Should it sell for no more than $263,200, there can be no loss to that Fund, for it will be noted that the foregoing scheme requires no larger sum than that to be advanced by the School Fund. If it should sell for no more than $200,000, the loss would be comparatively very small and easy to provide for, viz: $63,200, to say nothing of what may be recovered on the Indemnity Bonds for $500,000. The whole difference would hardly constitute, in any event, an available excuse for premature taxes.

So this objection disappears.

Second. The next objection is, that the income of the Literary Fund ought not to be invaded. The General Assembly must perceive, that the income of the Literary Board from *their invested Fund* is not to be decreased, nor its operations impeded, even for a year.

The State holds more than a million of dollars in Stocks of the Banks whose charters expire in 1860, and the income of that stock has been dedicated to Common Schools," subject at all times to the control of the General Assembly;" but the principal is not to be expended, and it will have to be re-invested at the expiration of the Bank charters. The State at the same time owes a debt, the principal of which falls due in part before 1860; and now the question is, whether the people should be taxed to pay up the latter, when a small part of the former may be readily substituted for it in relief of the tax payers, and leave nothing to be levied by taxation besides the *interest* Even that charge may soon cease altogether, and will certainly be diminished in a few years, viz. after the proceeds of the re-sale of

the Road, and the recoveries effected upon the bonds of Indemnity, can be made available as cash or stock.

To refuse to use the means on hand, but to tax the people immediately to pay off the principal of the public debt—upon such a theory in legislation as that a public stock is too sacred for public use—would seem to be both unwise and oppressive, as will be more clearly demonstrated when you come to see hereafter, by actual computation, what amount of taxation would be requisite.

The Public Treasurer would by no means inculcate the idea that the income of the Literary Board, from their invested Funds, should be materially lessened in preference to a resort to moderate taxation. And although it has been objected to this scheme, that such will be its effect, he is confident that the fact is not so; and at the peril of being tedious, he desires to vindicate the scheme by a plain demonstration, as follows:

This scheme impairs in no respect the security of the Board for the Bonds already held by it, viz: $163,300.

The interest upon the Bank Stock of $200,000 would be $12,000 per year, and to pay this the Company will have all the income of the Rail Road (which no one estimates lower,) until the Road shall be sold, and the whole price after it shall be sold. The only additional part of the capital of said fund interfered with, will be the $63,200 to be invested in the purchase of the State scrip, payable in 1860. The interest on this will be $3,822, and to pay that amount this scheme presents a surplus in the Treasury abundantly sufficient—superadds to it a direct pledge of public faith, and to make assurance doubly sure, it not only confers upon the Board the authority to sell the Rail Road and to take the purchase money into their hands, but it reserves the Bonds of individuals and stockholders for $500,000, to satisfy any deficiency.

It is a capital reason in favor of this scheme, that

whilst it provides at once and permanently for the preservation of the public credit, it transfers the Rail Road to be sold by agents who can take care of the public interests and deal upon equal terms with those who may be inclined to purchase it, and that by these means the whole amount of the public loss, (if any,) will be ascertained before the meeting of another Assembly, who may then provide the ways and means of repairing it, with no false conjectures to mislead them.

The Public Treasurer begs leave to remark, that he has endeavored to profit by the recommendations in the Governor's Message, and considering them valuable and approved principles to be engrafted into any scheme for preserving the public credit, he has freely introduced most of his suggestions into this report without any express acknowledgement. Where he has omitted any one of them, it has not been done for the purpose of withdrawing it from the consideration of the General Assembly. But it is nevertheless proper to state, that if the $50,000 debt owing by the Wilmington and Raleigh Rail Road Company were transferred to the Literary Board, there would be a necessity for providing the same amount to pay off a Bond for $50,000 due by the Treasury to the Bank of Cape Fear. For that reason, no notice has been taken of either of said debts in this scheme.

The idea has been a good deal encouraged, that the debt incurred by the State for the Raleigh and Gaston Rail Road, had better be paid off by a sinking fund to be levied by a public tax at once ; and therefore, the attention of the Public Treasurer has been carefully directed to that point.

By the scheme submitted, the Rail Road will be, in substance and effect, used at its full value as a sinking fund, and it will be an easy task to devise a system for sinking the principal of the $200,000 or $300,000 which will still remain due to individuals. Would it not be safer and better, however, to defer that until the Rail

Road shall have been actually sold and disposed of, and the suits upon the Indemnity Bonds determined by the Courts? Should it be desirable, the Public Treasurer will be ready to report upon that subject when he is required by the General Assembly, either now or at the next Session. At present, he will barely submit certain results, to which accurate calculations have brought him in his efforts to carry into practice this idea of imposing an immediate tax to discharge the *whole public debt*, by the operation of a sinking fund, without using any part of the Bank Stocks or other funds of the State on hand.

The first difficulty that occurred was this—That $226,500 of the debt falls due by instalments, annually, so to that part of the debt, the principles of a sinking fund are wholly inapplicable. It can be removed in no other way but by paying it with the Bank Stocks as here proposed; or else by negotiating a new loan upon an extended credit to January 1860 or later. It might not be easy to accomplish this new loan at par, now that the United States are likely to be in market as borrowers for large amounts. But that obstacle out of the way and there must be a revenue levied by taxation, sufficient to pay the yearly interest upon the whole debt of $727,000, viz: $43,620, and a yearly sinking fund of about $38,500, in order to extinguish this debt in January 1860. An increased taxation this of more than double the present rates! An increased annual tax of $82,000 and upwards!!

In the opinion of this Department, it would be unwise to impose it.

If this system of finance (by immediate taxation to raise a sinking fund) were resorted to for the residue of the debt after deducting that part which already belongs to the Literary Fund, viz: for $563,200 only, it would take an annual revenue of $33,790 to pay the interest and about $30,000 to contribute to a sinking fund in order to extinguish it on 1st January 1860. A less sum

would not do it. An increased tax this of nearly $64,000 which there is no absolute necessity to impose upon the people.

The Public Treasurer cannot suppose that such a scheme would be approved by the General Assembly, and he rather thinks that its advocates have not examined the subject fully, nor tested their theory by a calculation of the taxes it would impose upon their consituents.

In connexion with this report, it seems not inappropriate to remark, that the want of statistical knowledge has been sorely felt at this Department; and is it not remarkable, that no law of the State has ever been passed for compiling and preserving in any public office, that sort of authentic information in respect to the productions, trade, agriculture, mechanic arts, and manufactures of North Carolina, which is so useful in examinations of the Revenue system, and of the finances and resources of the State?

By a diligent use of the very imperfect lights to be obtained on so short a notice, the Public Treasurer has been able to devise no efficient scheme that will be likely to encounter less hostility, or that is liable to fewer objections, than that which he has now submitted. Human wisdom, however, could hardly invent a system on such a subject, that would be effectual and yet be acceptable to every body in all its parts. It seems to be admitted, that the duty of putting in operation some system of finance to preserve the credit of the State, has devolved upon this Assembly, and that it cannot be refused with honor nor deferred with safety; and therefore it might be considered a sufficient reason in favor of the scheme here offered, that it effectually saves the public credit and disposes of the Rail Road, whilst it does not prevent a future Assembly from repairing any defects in present legislation upon this subject. Should it be the will of the people to be taxed heavier, in order to pay back the Bank Stock to the Literary Fund in preference to paying the interest only, their representatives will be able

to obey their wishes, and there is nothing in this scheme to hinder or embarrass them in doing so, at a future session.

I have the honor to be
Your most obedient servant,

CHARLES L. HINTON,
Pub. Treas.

STATEMENTS

OF

THE BANK OF THE STATE,

AND OF

THE MERCHANTS' BANK.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE
1846.

TREASURY OFFICE,
December 6th, 1846.

SIR:—I herewith enclose a general Statement, showing the condition of the Bank of the State of North Carolina, on the 21st of November, 1846, and that of the Merchants' Bank of New Berne on the 25th of the same month, which have been received at this Office since the meeting of the present General Assembly.

I have the honor to be,

Very respectfully,

Your ob't. serv't.

C. L. HINTON,

Public Treasurer.

To the Honorable, the Speaker
of the House of Commons.

BANK OF THE STATE.

General Statement, showing the condition of the Bank of the State of North Carolina, 21st November, 1846.

Notes Discounted,	*2,049,854 56		
Bonds of Raleigh and Gaston Rail Road Company,	83,000 00		
Bills of Exchange,	462,084 95		
		2,594,939	51
Real Estate,		44,693	92

*Of this sum, there is due

By Directors,	$118,963	72
By Stockholders not Directors,	27,760	12
	$146,723	84

Due from other Banks :

Merchants' Bank, Boston,			6,240 38	
Do. do. N. York,	34,968 52			
Fulton do. do.	11,152 54			
			46,121 06	
Farmers' and Mechanics' Bank, Philad'a.	20,051 35			
Bank of North America, Philadelphia,	3,897 01			
			23,948 36	
Merch. B'k. Baltimore,	8,561 72			
Union Bank, Maryland,		50		
			8,562 22	
Farmers' B'k. Norfolk,	8,356 39			
Exchange " do.	2,237 63			
Virginia " do.	185 16			
Exchange " Richmond,	1,691 72			
Farmers' " Petersburg,	2,452 97			
Do. " Danville,	1,550 46			
Virginia " do.	548 43			
Exchange " Clarksville,	605 35			
			17,628 11	
Bank of Charleston,			130 79	
Merch. Bank, Newbern,			6,864 00	
Bank Cape Fear, Wilmington,	3,360 44			
Do. Washington,	2,769 96			
Do. Salisbury,	538 00			
			6,668 40	
				116,163 32

Notes of other Banks :

Virginia,		8,556 00	
South Carolina,		8,680 00	
North Carolina,		97,185 00	
			114,421 00

Specie :—

Silver,	376,466 11	

Gold Coin,	272,537 11		
Gold Bullion,	53,757 06		
		326,294 17	
Cents,		81 10	
			702,841 38
United States Treasury Notes,			2,250 00
Vouchers, unadjusted,			74 77
		Dollars,	4,575,383 90

Capital Stock,			1,500,000 00
General Profit and Loss,		240,477 08	
Contingent Fund,		7,705 61	
			248,182 69
Pension Office,			32,228 13
Treasurer of the United States,			76 84
Public Treasurer of N. Carolina,			24,807 41
Due to other Banks:			
O. J. Cammann, Cashier, N. York,	223 69		
Mechanics' Bank, do.	6,120 89		
		6,344 58	
Philadelphia " Phil.	129 87		
Mechanics' " "	1,606 21		
		1,736 08	
Newark " Newark,		490 75	
Virginia B'k. Petersburg,		1,578 14	
Bank Cape Fear Fayetteville,		5,000 00	
			15,149 55
Notes in Circulation:			
Prin. Bank, Raleigh,		196,127 00	

Branch Newbern,	189,343 00		
" Tarboro',	116,336 00		
" Fayetteville,	173,984 00		
" Wilmington,	255,071 00		
" Eliz. City,	99,397 00		
" Charlotte,	226,794 00		
" Milton,	145,732 00		
" Morganton,	34,006 00		
		1,240,663 00	
			1,436,790 00
Dividends unpaid,			2,706 00
Deposits,			306,680 70
Bills and Checks in Transitu,			8,763 08
		Dollars,	4,575,383 90

C. DEWEY, *Cashier.*

MERCHANTS' BANK.

State of the Merchant's Bank of Newbern, on Wednesday, the 25th of November, 1846.

Bills receivable,	279,959 99	
Suspended Debt,	3,652 98	
		283,612 97*
Bills of Exchange,		99,158 67
Real Estate,		6,968 90
Bank of Cape Fear, Wilmington,	1,787 25	
do Raleigh,	1,325 22	
do Washington,	6 389 44	
Bank of State, N. C. Tarborough,	1,150 00	
Merchants' Bank, Baltimore,	700 90	
Fulton Bank, New York,	46,748 93	
		58,101,74
Notes of the Bank of State, N. C.	23,538 00	
do Bank of Cape Fear,	2,761 00	
do New York, South Carolina, and Virginia Banks,	1,030 00	
		27,329 00
Specie,		83,021 30
		$558,192 58

*Of this sum $283,612 97 there is due by Directors,	$23,275
Stockholders not Directors,	11,498

Capital Stock,		225,000 00
Notes in circulation,		257,000 00
Deposites,		45,450 66
Profit and Loss, 6 months, nett,	10,660 97	
General Profit and Loss,	11,371 45	
		22,032 42
Dividends unpaid,		695 50
Bank of the State, N. C. at Newbern,		8,014 00
		$558,192 58

W. W. CLARK,
Cashier.

STATEMENT,

SHOWING THE CONDITION

OF

THE BANK OF CAPE FEAR,

As of the 19th November, 1846.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE,
1846.

LETTER.

BANK OF CAPE FEAR,
1st DECEMBER, 1846.

Wilmington, N. C.

SIR:—In obedience to the Act, requiring the President of this Institution to submit to the Legislature a statement of its affairs, I have the honor to transmit through you, to that honorable body, a statement up to the 19th November last, in manner and form as therein prescribed.

In the absence of the President,

I am very respectfully,

Your ob't. serv't.

THOS. H. WRIGHT,

Cashier.

Hon. E. STANLY,

Speaker House of Commons.

State of the Bank of Cape Fear, on the morning of the 19th of November, 1846.

Capital Stock,			1,500,000 00
Notes Issued, viz:			
Bank,	957,195 50		
Fayetteville,	283,113 50		
Salem,	64,238 00		
Washington,	256,089 00		
Salisbury,	244,164 50		
Raleigh,	41,486 00		
Asheville,	171,668 00		
		2,017,954 50	
Notes on hand,		623,684 50	
Notes in circulation,			1,391,270 00
Deposites,			249,581 00
Dividends unpaid,			1,464 00
Due to Banks, viz:			
Bank of the State of No. Ca. and Branches,	9,185 31		
Merchants 'Bank, Newbern,	12,210 26		
Union Bank, Boston,	151,63		
Bank of Virginia, Norfolk,	3,357 47		
Exchange Bank of Virginia,	757 86		
Bank of Georgetown, So. Ca.	4 00		

Merchants' Bank, Cheraw,	826 07	
		26,492 60
Contingent Fund,	23,860 00	
Profit and loss,	12,162 00	
		36,022 00
In Transitu,		2,630 80
		3,210,460 40
Specie,		607,823 00

Deposites in Foreign Banks, viz:

Massachusetts Bank,	5,819 98	
Fall River Bank, Fall River,	5,443 48	
Merchants' Bank, New York,	25,375 14	
Bank of New York,	29,514 51	
Leather Manufacturers Bank, New York,	36,331 91	
Bank of America,	760 30	
Bank of North America, Philadelphia,	13,562 45	
Bank of the United States, Philadelphia,	18,448 86	
Farmers & Mechanics Bank, Philadelphia,	2,927 22	
Merchants' Bank, Baltimore,	4,574 74	
Bank of Virginia and Branches,	6,196 82	
Exchange Bank of Virginia,	551 56	
Farmers Bank of Virginia,	3,353 57	
Bank of Kentucky,	795 00	
Bank of Charleston, So. Ca.	9,597 39	
South Western Rail Road Bank, Charleston,	19,589 53	
Planters and Mechanics Bank, Charleston,	61,365 01	
Bank of Hamburg, So. Ca.	8,663 83	
Bank of Mobile,	100 10	
		252,971 40

Foreign Exchange,		230,185 69
Notes of Foreign Banks on hand,		75,786 00
Due by the Bank of the State of N. C. and Branches,		19,489 31
Notes of North Carolina Banks on hand,		119,639 00
Real Estate,		68,618 00
Debt—"Bills and Notes discounted,"	1,835,548 00	
Debt—"Bills of Exchange in suit,"	400 00	
		1,835,948 00
		3,210,460 40
Of the above debt, due by Directors,	113,094 77	
Of the above debt, due by other Stock-holders,	133,677 49	

THOS. H. WRIGHT,
Cashier.

REPORT

OF

THE ADJUTANT GENERAL

OF THE

STATE OF NORTH CAROLINA.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

ADJUTANT GENERAL'S OFFICE,
Raleigh, Dec. 15, 1846.

To the Honorable, the General Assembly of the State of North Carolina:

I have the honor to transmit to your honorable body, sundry documents marked A, B, C, D and E, which contain all the information in relation to the Militia, required by law to be communicated from this Office.

Respectfully, your obedient servant,

R. W. HAYWOOD,

Adjutant General, N. C. M.



(A.)

ABSTRACT, Showing the number of Militia, and of their Arms, composing each Regiment, Brigade, and Division, and also the number and description of Arms belonging to the State, in each Regiment and County:

No. Divisions.	No. Brigades.	No. Regiments.	COUNTIES.	Infantry.	Riflemen.	ARMS. Muskets.	Rifles.	Shot Guns.	Public Arms. Muskets.	Rifles.	Swords.	No. Companies of Infantry.	No. Companies of Riflemen.
		1	Currituck	608		155		304				9	
		2	Camden	689		14		369				8	
		3	Pasquotank	838		12		620	120		40	9	
		4	Perquimons	476								6	
	1			2611		181		1293	120		40	32	
		9	Bertie	674				502	102		30	9	
		5	Chowan	396				376	26		20	4	
		6	Gates	598				481	202		15	5	
		10	Hertford	595				535				6	
	13			2263				1894	330		65	24	
1				4874		181		3187	450		105	56	
		41	Bladen	323		19	13	195			5	9	
		44	Moore	911			309	151	54			9	
		33	Cumberland	884		200	150	400	60	60		10	1
		34	"	522		17	128	153				6	
		85	Columbus	342		13	12	301				6	
		32	Sampson	912		41	78	68	16			11	
	4			3894		290	690	18	120	60	5	51	1
		53	Anson	613		13	134	3			14	9	
		54	"	452		46	193	176				6	
		42	Robeson	514		21	16	235				7	
		43	"	269		60	68	110				4	
		51	Richmond	357	31	8	117	159				4	1
		93	"	184		6	66	69				3	1
	14			2389	31	154	594	1091			14	33	2
2				5283	31	444	1284	2974	120	60	19	84	3

STATEMENT (A) CONTINUED.

No. Divisions.	No. Brigades.	No. Regiments.	COUNTIES.	Infantry.	Riflemen.	ARMS. Muskets.	Rifles.	Shot Guns.	Pub. Arms. Muskets.	Rifles.	Swords.	No. Companies Infantry.	No. Companies Riflemen.
		45	Chatham	534		150	175	110				7	
		94	"	796		150	230	215		65		9	3
		47	Orange	1050		33	120	563				11	
		48	"	698	66	49	125	423				11	1
		49	"	790		6	263	217	19	245		9	1
		55	Randolph	802		20	527	153	40			10	
		56	"	529		197	28	55	64			7	
				5199	66	605	1468	1736	123	310		64	5
		59	Caswell	1139		33	141	662			27	10	1
		50	Person	772		57	121	264	60			10	
		37	Granville	603			8	366	75			7	
		38	"	740		42	12	451	42			10	
	16			3254		132	282	1743	177		27	37	1
3				8453	66	737	1750	3479	300	310	27	101	6
		63	Davie	890	88	1	248	170		105		8	1
		64	Rowan	1230		64	243	323		92		14	2
		87	Davidson	791		28	478	133				10	
		88	"	962		60	453	228	60	60	10	8	3
	7			3873	88	153	1422	854	60	257	10	40	6
		70	Lincoln	1196		29	706	151				14	
		71	"	890		4	374	427	53			13	
		76	Rutherford	564		9	287	41			18	6	
		77	"	942		40	293	106				12	
		78	"	513		48	202	80	130	80		7	
	10			4105		130	1862	805	183	80	18	52	
		68	Mecklenburg	980		30	300	470				12	
		69	"	520			176	194	77			8	
		62	Cabarrus	888			399	249				11	
		60	Montgomery	532		50	290	105				7	
		61	"	674		28	388	144				9	
		1	Volunteers	228	67			41	91	67	36	3	2
	11			3822	67	108	1553	1203	168	0	0	50	2
4				11800	155	381	4837	2855	411	40	3	142	8
		82	Buncombe	868		33	352	180	65			11	
		83	"	721		70	411	5	20			10	
		84	Yancy	807		29	327	50	2			9	
		86	Haywood	658		20	279	31	20	5		8	

STATEMENT (A) CONTINUED.

No. Divisions.	No. Brigades.	No. Regiments.	COUNTIES.	Infantry.	Riflemen.	ARMS. Muskets.	ARMS. Rifles.	ARMS. Shot Guns.	Pub. Arms. Muskets.	Pub. Arms. Rifles.	Pub. Arms. Swords.	No. Companies Infantry.	No. Companies Riflemen.
		90	Macon	770		14	441	72		80		12	
	15			3224		171	1810	338	107	85		50	
		79	Burke	695		100	300	100	80			7	
		80	"	776		34	547	33		59		9	
		81	"	534		43	350	50			18	6	
		92	"	387		13	173	9		6	10	5	
		52	Iredell	902		27	400	227	45	90		10	1
		89	"	818		50	400	100				10	1
	19			4112		267	2170	519	80	155	28	47	2
5				7336		438	3980	857	187	240	28	97	2
		30	New Hanover	862	44	30	69	577	23	60	39	12	
		39	Brunswick	464		48	68	284	43		2	6	
		24	Onslow	734		11	11	470				10	
		31	Duplin	940		15	38	596				10	
	3			3000	44	104	186	1927	66	60	41	38	
		25	Jones	323			2	285	165			5	
		26	Lenoir	552				342	78			6	
		40	Wayne	954		7		612				10	
		28	Johnston	979		29	117	500	150			14	
	12			2808		36	119	1739	393			35	
6				5808	44	140	305	3666	459	60	41	73	
		20	Edgecombe	605		4	13	436	51			8	
		21	"	625				528	25			8	
		13	Martin	745		10		400	100			8	
		14	Halifax	382		60	200	51				8	
		15	"	387			10	336	111			8	
		16	Northampton	914				642			19	12	
	5			3658		74	223	2393	287		19	52	
		22	Nash	698				600	166		27	9	
		23	Warren	583		10	8	392	102			7	
		35	Wake	853		45	195	382	45			9	
		36	"	870		120	100	500	120	100		14	
		29	Franklin	850		5	18	640	60			10	
	17			3854		180	321	2514	493	100	27	49	
7				7512		254	544	4907	780	100	46	101	

STATEMENT (A.) CONTINUED.

No. Divisions.	No. Brigades.	No. Regiments.	COUNTIES.	Infantry.	Riflemen.	ARMS. Muskets.	Rifles.	Shot Guns.	PUB. ARMS. Muskets.	Rifles.	Swords.	No. Companies of Infantry.	No. Companies of Riflemen.
		17	Carteret	486		157		278				4	
		18	Craven	1001		24		814	133		30	15	
		19	Pitt	936		3	2	685	102			15	
		27	Greene	499		2	2	402	66		17	7	
	2			2922		186	4	2179	301		47	41	
		8	Washington	448				380	102			4	
		11	Beaufort	608		10	3	550	100			7	
		12	Hyde	953		61		762				11	
		7	Tyrrell	621		190		329				7	
	13			2630		261	3	2021	202			29	
8				5552		447	7	4200	503		47	70	
		57	Guilford	860		25	273	120				7	
		58	"	964		17	732	187				10	
		67	Rockingham	550		6	98	323				10	
		91	"	684		11	147	248			18	8	
		69	Stokes	691		19	182	231				9	
		66	"	1110			417	284				11	
		3	Volunteers	348		48	62	20	154			5	
	8			5207		126	1911	1413	154		18	60	
		46	Ashe	344	263		453	26		105		5	5
		97	"	466	163	6	336	37				8	2
		73	Surry	740		17	305	20		80	20	11	
		74	Wilkes	886	87	198	344	10				9	1
		75	"	667	61	14	520	56				9	1
		2	Volunteers	106	192	8	106	10	8	105		2	3
		95		317	106		365				32	4	2
		96		358			248					4	
	9			3884	872	243	2677	159	8	290	52	52	14
9				9091	872	369	4588	1572	162	290	70	112	14

B.

CAVALRY.

No. of Division.	No. Brigades to which attached.	Commis'ned. Officers.	Non-Com. Officers.	Privates.	Total Non Com. Officers and Privates.	Aggregate.	Public Arms.	
							Horsem'n. Pistols.	Sabres.
4	11	15	6	98	104	119	32	6
6	3	4	10	33	43	37	94	
9	8	19		112	132	147	120	60
4	9	3		38	38	41		10
7	17	4	8	32	40	40	40	40
1	1	12	2	80	82	94	100	
9	8	20	16	112	132	147	120	60
		77	42	505	625	625	506	176

TOTAL STRENGTH OF THE MILITIA.

Infantry,	66,709
Riflemen,	1,168
Cavalry,	625
Exempts,	3,179
Total,	71,681

C.

ROSTER OF GENERAL OFFICERS.

No. Division and Brigades.				
1	Duncan McDonald,	27	Dec.	1820
2	James J. McKay,	27	Dec.	1832
8	Vacant,			
7	Dan'l. S. Crenshaw,	27	Dec.	1842
4	Jno. G. Bynum,	27	Nov.	1841
5	Alex. F. Gaston,	27	May.	1841
9	Vacant,			
6	Alex. McRae,	11	Dec.	1841
3	Benj. Trollinger,	5	Sep.	1837
Brigades 14	J. M. Waddell.	5	Sep.	1837
5	Joshua Barnes,	5	Oct.	1842
4	W. D. Dowd,	27	Dec.	1827
11	W. H. Neal,	27	Dec.	1827
7	Rich'd. W. Long,	27	Dec.	1827
9	S. C. Wellborne,	12	Dec.	1846
10	Joseph Barringer,	12	Dec.	1846
13	H. G. Spruill,	26	Feb.	1833
18	Jno. D. Pipkin,	26	Feb.	1833
19	David R. Lowry,	26	Feb.	1833
2	H. G. Cutler,	26	Feb.	1833
16	Wm. M. Lea,	26	Feb.	1833
6	Joseph Holt,	26	Feb.	1833
1	J. C. B. Ehringhaus,	26	Feb.	1842
12	G. W. Whitfield,	16	Jan.	1836
3	L. H. Marsteller,	16	Jan.	1836
8	John M. Logan,	16	Jan.	1836
17	Jos. B. Littlejohn,			1846
15	J. McClelland,	16	Jan.	1846

(D.)

No. of Regiments, and by whom Commanded.

Col. F. Watkins,	67th Regiment.
R. Murchison,	46
Willie Pope,	36
J. M. Brown,	64
Neill Regan,	42
Adam Brower,	56
Peleg W. Spencer,	11
Michael Cox,	55
T. R. Miller,	84
Travis Daniel,	87
Barnes Goodman,	6
A. A. Leach,	60
C. A. Boon,	58
Isaac Brown,	88
J. M. Stewart,	69
M. McKimmon,	93
Henry Platt,	86
Dun. McCormick,	33
Henry J. B. Clark,	12
G. A. Daughtry,	32
Lt. Col. Kenneth Murchison,	34
Colonel Thomas J. Blakely,	26
Henry T. Clark,	21
D. McPherson,	28
R. H. Adams,	19
A. Stafford,	66

Lt. Col.	W. Aycock,	40th Regiment.
Colonel	D. Efire,	61
	John J. Terry,	65
	M. H. Hand,	71
	Martin Shiver,	62
	Thomas W. Rooker,	23
	Jonathan Horton,	95
	C. D. Hill,	31
	R. Bynum,	20
	Wm. R. Reade,	50
	Samuel Taylor,	63
	Wm. D. Jones,	97
	A. Gentry,	96
	C. McClees,	7
	Pro. E. A. Jones,	38
	Thos. P. Alston,	14
	B. Dunn,	15
	E. R. Hinton,	45
	Wm. McPhatter,	43
	J. G. Caroway,	13
	T. J. Gregory,	37
	R. O. Barnett,	89
	W. A. Tanner,	76
	John H. Manly,	35
	J. Morison,	44
	Benj. Askew,	25
	Jonathan Trull,	98
	Wm. M. Baldwin,	85
	T. P. G. Farris,	68
	Starkey Sharp,	10
	Michael Holt,	49
	Jos. A. Whitaker,	29
	Chas. McD. Dickson,	80
	Alfred A. Turner,	3
	W. Ferrand,	24
	George Holcombe,	72
	David A. Lowe,	70
	C. M. Avery,	79

Colonel	D. C. Guyther,	8th Regiment.
	Wm. N. Ramsey,	52
	N. Kelly,	41
	J. E. Saintclair,	75
	Stephen Roberson,	94
	G. A. Nicholson,	51
	F. L. Simpson,	57
	B. F. Pettey,	74
	P. F. Grigg,	77
	Paisley Nelson,	48
	Thos. M. Angel,	90
2 Volunteers,	H. Marshall,	—
"	J. Heath,	—
Colonel	John F. Reel,	81
	J. S. Burgess,	2
	James Lea,	59
	Thos. M. Carter,	5
	Peter Scales,	91
	S. S. Biddle,	18
	W. R. Jones,	27
	J. R. Raiford,	54

DELINQUENTS.

In Returns to Adjutant General—

Major General	Jas. McKay,	2d Division.
"	Alex. F. Gaston,	5th "
"	Alex. McRae,	6th "
"	Benj. Trolinger,	3d "
Colonels:	Carteret,	17th Regiment.
"	Craven,	18th "
"	Rockingham,	91st "
"	Currituck,	1st "
"	Camden,	2d "
"	Perquimons,	4th "
"	Bertie,	9th "
"	Chowan,	5th "
"	Anson,	53d "
"	Caswell,	50th "
"	Rutherford,	78th "
"	Buncombe,	82d "
"	Do.	83d "
"	Burke,	92d "
"	Do.	81st "
"	New Hanover,	30th "
"	Northampton,	16th "
"	Nash,	22d "

In Returns to Major Generals—

J. C. B. Ehringhaus, 1st Brigade.

In Returns to Brigadier Generals—

Colonels of the	80th Regiment.
"	81st "
"	84th "

Colonels of the	79th	Regiment,
"	92d	"
"	60th	"
"	91st	"
"	30th	"
"	39th	"
"	17th	"

In Reviews—

Major General D. McDonald,		1st Division.
"	Alex. McRae,	6th "

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL TO AMEND

THE REVISED STATUTES,

Entitled, "Deeds and Conveyances."

RALEIGH:

W. R. CALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

The Committee on the Judiciary, to whom was referred "a Bill to amend the Revised Statutes, entitled Deeds and Conveyances," have had the same under consideration, and direct the said Bill to be reported to the House without amendment, and recommend its passage.

Respectfully submitted,

R. B. GILLIAM,

Chairman.

A BILL

To amend the Revised Statutes, entitled, "Deeds and Conveyances."

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the registry or duly certified copy of the record of any Deed, or conveyance of land, or power of attorney for conveying the same, registered or recorded, as by the said Statute is directed, shall, and may be given in evidence in any Court of Record, and shall be held to be full and sufficient evidence of such deed, conveyance, or power of attorney, although the party offering the same shall be entitled to the possession of the original, and shall not account for the non-production thereof; unless by a rule or order of the Court, made upon affidavit suggesting some material variance from the original in such registry, or other sufficient ground, such

party shall have been previously required to produce the original, in which case the same shall be produced, or its absence duly accounted for according to the course and practice of the Court.

§ II. *Be it further enacted*, That according to the true intent and meaning of the sixteenth section of the said Statute, each and every officer in the said section mentioned, and thereby authorized to certify the execution of any power of attorney, hath power and is authorized to take, and certify the proof thereof by a subscribing witness, or the acknowledgment thereof by the party or parties thereto; and all powers of attorney which, upon such certificate of proof, or acknowledgment, shall have been ordered, or shall hereafter be ordered to be registered, and shall have been, or shall be registered accordingly, shall be held and taken to have been, or, to be, duly proved and registered within the true intent and meaningof the said sixteenth section, and duly certified copies of the registry, or record, of all powers of attorney, registered according to the said sixteenth section, shall, and may be given in evidence in any Court of record in this State, in manner and under the circumstances in the first section of this act prescribed. *Provided*, always, and it is hereby declared, that nothing in the said sixteenth section contained, does extend, or shall be held or taken to extend, to any power of attorney executed or attested, or which shall be executed or attested in this State, by a person or persons residing in the same.

§ III. *Be it further enacted*, That all powers

of attorney of the description referred to in the said sixteenth section, executed or attested by a person or persons residing in this State, may be proved or acknowledged before any Judge of the Supreme, or Superior Courts, or in the Court of Pleas and Quarter Sessions of the County in which the attorney, or attorneys, therein named, or the person or persons executing the same, shall reside, and be thereupon ordered to be registered.

§ IV. *And be it further enacted,* That this Act shall be in force from and after its ratification.

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL TO PROVIDE

For holding a Session of the Supreme Court, once a year in the Western part of the State.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

The Committee on the Judiciary, to which was referred the "Bill to provide for holding a Session of the Supreme Court once a year in the Western part of the State, has had the same under consideration, and instructs me to report the same without amendment, and recommend its passage.

H. WADDELL,

Chairman.

A BILL

To provide for holding a Session of the Supreme Court once a year in the Western part of the State.

WHEREAS, it will greatly promote the convenience of the people of the Western part of the State, and will improve the administration of justice without imposing undue labor or serious inconvenience upon the Judges of the Supreme Court, to have a term of that Court held yearly, in some place West of the City of Raleigh.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That a Session of the Supreme Court of this State shall be held yearly, and every year hereafter, at Morganton, in the County of Burke, on the first Monday of August; and the said session shall con-

tinue from day to day, so long as the business may require. And should no one of the Judges of said Court attend on the day appointed for holding said session in any year, it shall be the duty of the Sheriff of Burke County to open and adjourn the same until the next day, and so from day to day, for six days, (unless one of the Judges should sooner attend,) and then no one of the said Judges having attended, to adjourn the same without day.

§ II. *Be it further enacted*, That all appeals taken, and causes transmitted after the ratification of this Act, from the Superior Courts of Law or the Courts of Equity of the Counties of Stokes, Davidson, Montgomery, Anson, and of the Counties lying West of the same, shall be taken and transmitted to the said Supreme Court sitting at Morganton, and shall be there heard, tried, and disposed of, as to right and justice shall appertain, according to the course and practice of the said Court, which shall, at the said session at Morganton, have and exercise all the powers, and possess all the jurisdiction in respect to the said Counties of Stokes, Davidson, Montgomery, Anson, and the Counties West thereof, which the said Court, at its Sessions at Raleigh now have, in respect to any of the Courts and Counties in this State.

§ III. *Be it further enacted*, That it shall be the duty of the Judges of the said Supreme Court, to appoint some fit and suitable person, residing within one of the said Counties of Stokes, Davidson, Montgomery, Anson, or the Counties West of them, to act as Clerk of said Court, at said session to be held at Morganton, and the Clerk so appointed, shall keep his office at Morganton, and perform all the duties, and receive the same fees that the Clerk of the Supreme Court at Raleigh is entitled by law, and that he shall give bond and security in the like sum, and with the same condition, and act under the

same rules and restrictions, and under the same penalties, that the Clerk of the Supreme Court now gives, and is liable to according to law.

§ IV. *Be it further enacted*, That it shall be the duty of the Sheriff of Burke County, to attend the said Court during its Session at Morganton, and he shall receive as a compensation therefor, two dollars a day during such, his attendance to be paid by the Public Treasurer, upon the certificate of the Clerk, under the seal of the Court, showing the number of days for which he is entitled to pay.

§ V. *Be it further enacted*, That the Reporter for the Supreme Court, at its Sessions at Raleigh, shall act as Reporter to the said Court at its Session at Morganton, unless the Judges of said Court shall order otherwise; and in case they so order, they shall have the power to appoint some other competent and suitable person for that purpose.

§ VI. *Be it further enacted*, That the Term of the Supreme Court, which by law is now required to be held in Raleigh, on the second Monday of June, shall hereafter be held on the third Monday of May, in each and every year, and appeals taken thereto from any Superior Court, holden on or after the first Monday of any such month of May, and before the third Monday, may be filed on any day before the fifteenth day of the Term, and appeals taken from any such Court holden on the third Monday of May, may be filed at any time within fifteen days after such appeal being taken and allowed.

§ VII. *Be it further enacted*, That it shall be the duty of the Judges of said Court, to appoint one of the Solici-

tors of the Superior Courts, residing within one of the said Counties of Stokes, Davidson, Montgomery, Anson, or the Counties West of said Counties, to attend the said Session of the Supreme Court, at Morganton, as Attorney, to prosecute on behalf of the State, under the same rules, and with the same powers and compensation, that are now allowed the Attorney General for like services in the Supreme Court, at its Sessions at Raleigh.

REPORT

OF

THE COMMITTEE

OF

INTERNAL IMPROVEMENT,

ON THE BILL TO INCORPORATE

The North and South Carolina Rail Road

COMPANY.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

The Committee on Internal Improvement, to whom was referred "A Bill to incorporate the North and South Carolina Rail Road Company," have had the same under consideration, and herewith report the said Bill with sundry amendments, and recommend its passage, viz:

In the 2d section of the bill, fill the blanks with the word "*thirty.*"

In the 18th section, strike out the words "*in fee simple,*" and insert the words "*during the term of this Charter.*"

And in the 41st section, after the word "*depots*" in the 8th line, insert the following words: "*the State or Company owning such intersecting Road may erect one, and the Company hereby incorporated shall receive and deliver passengers and freights at such* DEPOTS."

All which is respectfully submitted.

S. F. PATTERSON, *Chairman.*

A BILL

To Incorporate the North and South Carolina Rail Road Company.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That it shall be lawful to open books in the City of Raleigh, under the direction of William Boylan, John H. Bryan, Charles Manly, Alfred Jones, Weston R. Gales, George W. Mordecai, Duncan K. McRae, or any three of them; and at Warrenton, under the direction of N. T. Green, George D. Baskerville, Dr. Peter Hawkins, Peter R. Davis, William Plummer, and Dr. Charles Skinner, or any three of them: and at Oxford, in Granville County, under the direction of James Cooper, Russel T. Kingsbury, Lunsford A. Paschall, John S. Eaton, George Kiterell, and Rhodes N. Herndon, or any three of them; and in the County of Franklin, under the direction of Allen C. Perry, Dr. Willie Perry, Thomas Person, William Branch, John D. Hawkins, and Richard F. Yarborough, or any three of them; and in Anson County, under the direction of Hampton B. Hammonds, Walter R. Leake, William B. McCorkle, Alexander Little, Absalom Myers, and D. D. Daniel,

or any three of them; and in Richmond County, under the direction of Walter F. Leak, John C. McLaurin, Alexander C. McKinnon, Daniel McNeill, William G. Webb, and James D. Pemberton; in Robeson County, under the direction of Dr. Neill McNair, Peter McEachen, Malcolm Purcel, Alexander H. Currie, Alexander McDonald, Archibald McEachen, and John Gilchrist, or any three of them; in the County of Moore, under the direction of John B. Kelly, John Morrison, Samuel C. Bruce, Samuel J. Person, Willis D. Dowd, Alexander C. Curry, and Charles H. Dowd, or any three of them; and in the County of Cumberland, under the direction of John Huske, Charles T. Haigh, C. P. Mallett, John H. Hall, E. L. Winslow, George McNeill, Archibald S. McNeill, James Kyle, John C. Williams, Alexander Elliott and John McLean, or any three of them; and at such other places, and under the direction of such other persons as any three of the Commissioners herein before named to superintend the receiving of subscriptions in the County of Cumberland, shall direct, for the purpose of receiving subscriptions to an amount not exceeding one million, two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of effecting a communication by a Rail Road, from some point at or near the termination of the Raleigh and Gaston Rail Road, in the City of Raleigh, *via* Fayetteville, to some point on the South Carolina line, which will connect with the Rail Road from Camden, in South Carolina, to the North Carolina line.

§ II. *Be it further enacted*, That the times and places for receiving subscriptions shall be advertised in one or more newspapers published in the City of Raleigh and Town of Fayetteville, and the books for receiving the same shall not be closed in less than ____ days; and if it shall appear that more than twelve thousand, five hundred shares of the capital stock aforesaid, shall have been subscribed for within

the said days, it shall be the duty of the said Commissioners at Fayetteville, or any five of them, to reduce the number of shares subscribed for among the subscribers, in fair and equal proportions to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to twelve thousand five hundred.

§ III. *Be it further enacted*, That when two thousand Shares shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators, or assigns, shall be, and they are hereby declared to be incorporated into a Company, by the name and style of the "North and South Carolina Rail Road Company," and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real and personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned and no farther; and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of said Company.

§ IV. *Be it further enacted*, Upon any subscription of Stock as aforesaid, there shall be paid at the time of subscribing to the said Commissioners or their agents appointed to receive such subscriptions, the sum of two dollars on every Share subscribed, and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company.

§ V. *Be it further enacted*, That the said Commissioners, or their agents, shall forthwith, after the first election of President and Directors of the Company, pay over to the said President and Directors all moneys received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion on ten days' previous notice in the Court of Pleas and Quarter Sessions, or the Superior Court of Law, of any County wherein such Commissioner or Commissioners, their executors or administrators, may reside, or by warrant before a Justice of the Peace of said County.

§ VI. *Be it further enacted*, That when four hundred thousand dollars or more, of the stock shall have been subscribed, public notice of that event shall be given by any three or more of the said Commissioners, at Fayetteville, who shall have power at the same time to call a general meeting of the subscribers, at such convenient place and time, as they shall name in said notice.

§ VII. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have power to adjourn from time to time until a meeting shall be formed.

§ VIII. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a President and five Directors, who shall continue in office unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said Presi-

dent and Directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The President, with any two or more of the Directors, or in the event of the sickness, absence, or disability of the President, any three or more of the Directors, who shall appoint one of their own body President, *pro tem.*, shall constitute a Board for the transaction of business. In case of vacancy in the office of President, or any Director, happening from death, resignation, removal, or disability, such vacancy may be supplied by the appointment of the Board, until the next annual meeting.

§ IX. *Be it further enacted*, That the President and Directors of said Company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair, and maintaining, of a Rail Road to be located as aforesaid, with as many sets of tracks, as they, or a majority of them, may deem necessary; and may cause to be made, and also to make and construct, all works whatsoever, which may be necessary and expedient, in order to the proper completion of the said Rail Road.

§ X. *Be it further enacted*, That the said President and Directors shall have power to make contracts with any person or persons on behalf of the Company, for making the said Rail Road, and performing all other works respecting the same, which they shall judge necessary and proper, and to require from the subscribers from time to time, such advances of money on their respective shares, as the wants of the Company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers, giving one months' notice thereof in one of the newspapers printed in the Town of Fayetteville; to appoint a Treasurer, Clerk, and such other officers as they may require,

and to transact all the business of the Company during the intervals between the general meetings of the Stockholders.

§ XI. *Be it further enacted*, That if any Stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the Newspapers published in the Town of Fayetteville, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and to convey to the purchaser the share or shares of such Stockholder so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid: and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representative: and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator, or either of them, by suit in any Court of Record having jurisdiction thereof, or by warrant before a Justice of the Peace of the County of which he is a resident; and any purchaser of the stock of the Company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietor.

§ XII. *Be it further enacted*, That if the Capital Stock of the Company hereby incorporated, shall be found insufficient for the purpose of this Act, it shall and may be lawful for the President and Directors of the said Company, or a majority of them, from time to time, to increase the said Capital Stock to an amount not exceeding two millions of dollars, by the addition of as many shares as they may deem neces-

sary, first giving to the individual Stockholders, for the time being, or their legal representative, the option of taking such additional shares, in proportion to the amount of stock respectively held by them, and opening books in the Town of Fayetteville, and such other places, as the President and Directors may think proper, for any balance of the capital stock created, which may not be taken by the Stockholders for the time being or in their behalf; and the subscribers for such additional shares of the capital stock in the said Company, are hereby declared to be thenceforward incorporated into the said Company, with all the privileges and advantages, and subject to all the liabilities of the original Stockholders.

§ XIII. *Be it further enacted*, That the President and Directors, or a majority of them, shall have power to borrow money for the object of this act; to issue certificates or other evidences of such loans, and to make the same convertible into the stock of the Company, at the pleasure of the holder: *Provided*, that the capital shall not thereby be increased to an amount exceeding two millions of dollars, and to pledge the property of the Company for the payment of the same with interest: *Provided*, that no certificate of loan, convertible into stock, or creating any lien or mortgage on the property of the Company, shall be issued by the President and Directors, unless the expediency of making a loan on such terms, and of issuing such certificates, shall have first been determined on at a general meeting of the Stockholders, by two-thirds of the votes which could legally be given in favor of the same.

§ XIV. *Be it further enacted*, That the said President and Directors, their officers, agents, or servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their Rail Road, and to lay out the same

according to their pleasure, so that the dwelling house, yard, garden, or curtilage of no person be invaded without his consent; and that they shall have power to enter in and lay out such contiguous lands as they may desire to occupy as sites for depots, toll-houses, ware-houses, engine sheds, work shops, water stations, and other buildings, for the necessary accommodation of their officers, agents, and servants, their horses, mules and other cattle, and for the protection of property entrusted to their care: *Provided*, that the land so laid out on the line of the Rail Road, shall not exceed (except at deep cuts and fillings) eighty feet in width, and that the adjoining land for the sites of buildings (unless the President and Directors can agree with the owner or owners for the purchase of the same) shall not exceed one and a half acres in any one parcel. If the President and Directors cannot agree with the owner or owners of the lands, so entered on and laid out by them as to the terms of purchase, it shall be lawful for them to apply to the Court of Pleas and Quarter Sessions of the County in which such land, or the greater part of it may lie, and upon such application the Court shall appoint five disinterested and impartial free holders, to assess the damages to the owner from the condemnation of the land for the purpose aforesaid: no such appointment, however, shall be made, unless ten days previous notice of the application shall have been given to the owner of the land, or the guardian, if the owner be an infant or *non compos mentis*, if such owner or guardian can be found within the County, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some Newspaper printed as convenient as may be to the Court-house of the County, and shall have been posted at the door of the Court-house on the first day at least at the next preceding term of said Court. A day for the meeting

of said free-holders to perform the duty assigned them, shall be designated in the order appointing them; and any one or more of them attending on that day, may adjourn from time to time, until their business shall be finished. Of the five free-holders so appointed, any three or more of them may act, after having been duly sworn or solemnly affirmed before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages that will be sustained by the proprietor of the land, from the condemnation thereof for the use of the Company, and that they will truly certify their proceedings thereupon to the Court of said County.

§ XV. *Be it further enacted*, That it shall be the duty of the said free-holders in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same, and hearing such proper evidence as either party may offer, they shall ascertain according to their best judgment, the damages which the proprietor of the land will sustain by the condemnation thereof for the Company. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole fee simple interest therein: They shall take into consideration the quality and quantity of the land to be condemned, the additional fencing that will be required thereby, and all the inconvenience that will result to the proprietor from the condemnation thereof, and shall combine therewith a just regard for the advantages which the owner of the land will derive from opening the Rail Road through the same.

§ XVI. *Be it further enacted*, That when the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals in substance as follows: "We, freeholders appointed by an order of the Court of

Pleas and Quarter Sessions, for the purpose of ascertaining the damages that will be sustained by , the proprietor of certain lands in the said County, which the President and Directors of the North and South Carolina Rail Road Company propose to condemn for their use, do hereby certify that we met together on the land aforesaid, on the day of , the day appointed therefor by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting by the same order): and that having been first duly sworn, (or solemnly affirmed, as the case may be,) and having visited the premises, we proceeded to estimate the quantity and quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation and all other inconveniences which would probably result therefrom to the proprietor of said land; and that we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of said land from the opening of the aforesaid Rail Road through the same: that under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of . Given under our hands and seals this day of ." At the foot of the report so made, the magistrate before whom the said freeholders were sworn, shall make a certificate in substance as follows: " County, sct. I, , a Justice of the Peace of said County, do hereby certify that the above named freeholders, before they executed their duties as above certified, were solemnly sworn, (or affirmed,) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above-named , by the condemnation of the afore-mentioned land for the use of the North and South Carolina Rail Road Com-

pany, and that they would certify truly their proceedings thereon to the Court of the said County. Given under my hand, this day of ."

§ XVII. *Be it further enacted*, That the report of the freeholders so made, together with the certificate of the Justice of the Peace, as aforesaid, shall be forthwith returned by the said freeholders to the Court of the County; and unless good cause can be shown against the report, it shall be confirmed by the Court and entered upon record; but if the said report should be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or if, from any other cause, they should fail to make a report within a reasonable time after their appointment, the Court may, in its discretion as often as may be necessary, supersede them, or any of them, appoint others in their stead, and direct another view and report to be made in the manner above prescribed.

§ XVIII. *Be it further enacted*, That on the confirmation of any such report, and on payment or tender, to the proprietor of the land, of the damages so assessed, or the payment of said damages into Court, when for good cause shown, the Court shall have so ordered, the land reviewed and assessed as aforesaid, shall be vested in the North and South Carolina Rail Road Company, and they shall be adjudged to hold the same *in fee simple*, in the same manner as if the proprietor had sold and conveyed it to them.

§ XIX. *Be it further enacted*, That while these proceedings are pending, for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been instituted, the President and Directors, if they think the interest of the Company requires it, may, by themselves, their officers, agents, or servants, enter upon the lands as laid out by them as aforesaid, and which

they desire to condemn and apply to the use of said Company. If, when they so take possession, proceedings to ascertain the damages as aforesaid, be pending, it shall be their duty diligently to prosecute them to conclusion; and when the report of the freeholders, ascertaining the damages, shall be returned and confirmed, the Court shall render judgment in favor of the proprietor of the land, for the amount thereof, and either compel its payment into Court, or award process of execution for its recovery, as to them shall seem right.

§ XX. *Be it further enacted*, That in the meantime, no order shall be made, and no injunction shall be awarded by any Court or Judge to stay the proceedings of the Company, in the prosecution of their work, unless it be manifest that their officers, agents or servants, are transcending the authority given them by this Act, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated for in damages.

§ XXI. *Be it further enacted*, That if the President and Directors shall take possession of any land before the same shall have been purchased by them, or condemned and paid for according to the provisions of this Act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute with due diligence the proceedings commenced for that purpose, it shall be lawful for the proprietor of the land, upon giving to the said President and Directors, or any of them, ten days' previous notice, to apply to the Court of the County in which the land or the greater part thereof shall lie: and upon such application, the Court shall appoint five disinterested and impartial freeholders, to assess the damages to the owner, from the condemnation of his land to the use of the Company, shall appoint a day for their meeting to perform the duties assigned them,

and shall dismiss, at the cost of the Company, any proceeding then depending in their behalf for the condemnation of the said land. The freeholders so appointed, any three or more of whom may act, shall proceed in the performance of their duties, in all respects in the same manner as if they had been appointed by the President and Directors of the Company; and the Court shall in like manner confirm or disaffirm their report, supersede them or any of them, and appoint others in their stead, or direct another view and report to be made, as often as may be necessary; and when any such report, ascertaining the damages, shall be confirmed, the Court shall render judgment in favor of the proprietor for the damages so assessed and double costs, and shall thereupon either compel the Company to pay into Court, the damages and costs so adjudged, or award process of execution therefor, as to them shall seem right.

§ XXII. *Be it further enacted*, That when the judgment rendered for the damages assessed and costs shall be satisfied by the payment of the money into Court, or otherwise, the title of the land for which such damages are assesed shall be vested in the Company, in the same manner as if the proprietor had sold and conveyed it to them.

§ XXII. *Be it further enacted*, That the written consent of any owner or proprietor of any lands through which the said Road is to be constructed, showing his or their agreement to the same, shall be valid and effectual to give the same power and authority over all land required for the construction of the Road, as if the same had been conveyed by deed of bargain and sale, or condemned upon petition, as aforesaid.

§ XXIII. *Be it further enacted*, That the said President and Directors, for the purpose of constructing their Rail Road aforesaid, and the works necessarily

connected therewith, or of repairing the same after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty by themselves, their officers, agents or servants, at any time, to enter upon any adjacent lands, and to cut, quarry, dig, take, and carry away therefrom, any wood, stone, gravel, or earth, which they may deem necessary: *Provided, however*, That they shall not, without the consent of the owner, cut down any fruit tree, or any tree preserved in any lot or field for shade or for ornament, nor take any timber, gravel, stone or earth, constituting any part of any fence or building. For all wood, stone, gravel or earth, taken under the authority of this Act, for all incidental injuries done to the enclosure, crops, wood, or ground, in taking and carrying away the same, the said President and Directors shall make to the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by any three impartial and disinterested freeholders, who, being appointed for that purpose by any Justice of the Peace thereto required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view, of the wood, gravel, earth, or stone taken, and for the injury done as aforesaid, in taking them away: *Provided, however*, that it shall be the duty of the owner or owners to show to the Justice of the Peace, to whom the application is made, that ten days' previous notice of making the same has been given to the President, or one of the principal agents of the Rail Road Company; and no award which may be given under any appointment, without such notice, shall be obligatory or binding on the Company: *Provided, however*, That either party not satisfied with the award which may br given as above, may appeal to the Court of Pleas and Quarter Sessions of the County in which the land may be situated, who may, as in the case of the assessment of lands, confirm or disaffirm the report

of the freeholders, supersede them, or any of them, and appoint others in their stead, or direct another view and report to be made as often as may be necessary.

§ XXIV. *Be it further enacted*, That if the said President and Directors, in entering upon the land of any person under the authority of this act, for the purpose of laying out, constructing, enlarging, altering, or repairing any of their said works, shall by themselves, or their officers, do any wanton or wilful injury to such land or its appurtenances, or to the crops growing or gathered, or to any other property thereon, the North and South Carolina Rail Road Company shall pay to the person so injured double the amount of damages, which shall be assessed by a jury in any proper action therefor: or if said injury be done by any person or persons who may have contracted with the Company for the construction of any portion of the Road, or any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

§ XXV. *Be it further enacted*, That whenever in the construction of said Rail Road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said President and Directors so to construct the said Rail Road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same: or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual a proper wagon way across said Rail Road, from one part of his land to the other: *Provided, however*, that in order to prevent the frequent crossing of established roads or ways, or in case it may be necessary to occupy the same, it may be lawful for the said President and Directors to change the said roads to points where they

may think it expedient to do so; and that for entering upon or taking any land that may be necessary therefor, they shall be, and are hereby authorized to proceed under the provisions of this act as in the case of land necessary for their Rail Road: *Provided, further*, that previous to the making of any such change, the said Company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on the Company, to keep in repair the portion of any road which they may have changed, as aforesaid.

§ XXVI. *Be it further enacted*, That the said President and Directors, or a majority of them, shall have power to purchase with the funds of the Company, and place on the Rail Road constructed under this act, all machines, vehicles, and carriages, and teams of every description whatsoever, which they may deem necessary or proper for the transportation of persons or property: or if they should deem it expedient to do so, they may contract with any other Rail Road Company or Companies, or with any individual or individuals, for the effecting the transportation of the same.

§ XXVII. *Be it further enacted*, That all machines, wagons, vehicles and carriages, purchased as aforesaid with the funds of the Company, or engaged in the business of transportation on said Rail Road: and all the works of said Company constructed, or property acquired nnder the authority of this act; and all profits which shall accrue from the same, shall be vested in the respective Stock-holders of the Company forever, in proportion to their respective Shares: and the same shall be deemed personal estate, and shall be exempt from any public charge or tax, whatsoever, for the term of fifteen years; and thereafter the Legislature may impose a tax not exceeding twenty-five cents

per annum,on each share of the capital stock,whenever the annual profits thereof shall exceed six per cent.

§ XXVIII. *Be it further enacted,* That upon the Road hereby authorized, the Company shall have the exclusive right of transportation. When completed, they shall at all times furnish and keep in good repair, the necessary carriages and other requisites for the safe and convenient transportation of persons and property : and it shall be their duty at all times, upon the payment or tender of the tolls hereby allowed, to transport to any depot on the road which the owner of the goods may indicate, and there to deliver all articles which shall be delivered to them for transportation, or offered to them in proper condition to be transported, at any depot on the road most convenient for the reception thereof.

§ XXIX. *Be it further enacted,* That they shall give no undue preferences to the property of one person over that of another, but as far as practicable, shall carry each in order of time in which it shall be delivered or offered for transportation, with the tolls paid or tendered. If the Company or any of its officers or agents, shall fail to receive, transport, or to deliver in due time, any property so offered or delivered to them for transportation, or shall fail to take up or set down any passenger or passengers, at such convenient point as he or they may desire, upon the payment or tender of the passage money hereby allowed, they shall forfeit and pay the party so injured, double the amount of the lawful toll paid or tendered, and shall moreover be liable to an action on the case, in which full damages and double costs shall be recovered.

§ XXX. *Be it further enacted,* That so soon as any portion of the Rail Road hereby authorized, may be in readiness for transportation, it shall be lawful for the said President and Directors to transport by their

officers or agents, or by contractors under them, persons and property on the same; and they shall have power to charge for the transportation of persons, goods, produce, merchandize and other articles, and for transportation of the mail, any sum, not exceeding the following rates, viz: On persons, not exceeding six cents per mile, for each person, unless the distance which any person be transported be less than ten miles, in which case the President and Directors may be entitled to make an extra charge of fifty cents for taking up and putting down each person so transported; for the transportation of goods, produce, merchandize, and other articles, not exceeding an average of ten cents per ton per mile; and for the transportation of the mail, such sums as they may agree for: and the said President and Directors shall be furthermore entitled to demand and receive for the weighing, storage, and delivering of produce and other commodities at their depots and ware-houses, rates not exceeding the ordinary ware-house rates charged for such service.

§ XXXI. *Be it further enacted*, That if the said President and Directors shall deem it advisable to construct the bridges, which may be necessary on the line of their Rail Road, of sufficient width to admit of the passage of common roads as well as their Rail Road, over the same, they may be entitled to demand and receive from all the persons, and for wagons, carriages, and all four and two wheeled vehicles, and for all beasts of burden, sheep and hogs, passing the same, the tolls which may be allowed by the Court of Pleas and Quarter Sessions of the County in which the said bridge may be.

§ XXXII. *Be it further enacted*, That as soon as ten miles of the Rail Road hereby authorized shall be completed, the President and Directors shall annually or semi-annnally declare and make such dividend as

they may deem proper, of the nett profits arising from the resources of the said Company, after deducting the necessary current and probable contingent expenses of the said Company, and shall divide the same among the proprietors of the stock of the said Company, in proportion to their respective shares.

§ XXXIII. *Be it further enacted*, That an annual meeting of the Subscribers to the Stock of the said Company, shall be held at such time and place in each year, as the Stockholders at their first general meeting or at any subsequent meeting may appoint—to constitute which or any general meeting, called by the President and Directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the Stockholders, shall be necessary, either in person or by proxy properly authorized: and if a sufficient number do not attend on that day or any other day appointed for a general meeting called by the directors aforesaid, the proprietors who do attend, may adjourn from time to time until such general meeting shall be had.

§ XXXIV. *Be it further enacted*, That in counting all the votes of the said Company, each member shall be allowed one vote for each share, not exceeding two shares; one vote for every two shares above two and not exceeding ten; and one vote for every five shares above ten, by him held at the time in the Stock of the Company: *Provided, however*, that no Stockholder, whether an individual or body politic or corporate, shall be entitled to more than sixty votes on any amount of the capital stock of said Company, held by him or them.

§ XXXV. *Be it further enacted*, That the President and Directors shall render distinct accounts of

their proceedings and disbursements of money, to the annual meeting of the Stockholders.

§ XXXVI. *Be it further enacted*, That the works hereby required of the North and South Carolina Rail Road Company, shall be executed with diligence, and if they be not commenced within three years after the passage of this act, and finished within ten years after the first general meeting of the Stockholders, then this charter shall be forfeited.

§ XXXVII *Be it further enacted*, That the President and Directors shall cause to be written or printed, certificates of the shares of the stock in the said Company, and shall deliver one such certificate, signed by President and countersigned by the Treasurer, to each person for the number of shares subscribed by him, which certificate shall be transferable by him, subject however to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book of the Company, to be kept for the purpose, shall thenceforth become a member of the Company aforesaid, and shall be liable to pay all sums due or to become due upon the Stock assigned him: *Provided, however*, that such assignment shall in no wise exempt the assignor or his representative, from their liability to the said Company for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same.

§ XXXVIII. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatever, impede or hinder the construction of, injure, impair, or destroy any part of the Rail Road to be constructed under this Act, or any of the necessary works, machines, wagons, vehicles, carriages, or other property belonging to the said Company, or shall place any obstruction on said Road, such person or persons shall be deemed guilty of a misdemeanor, and on convic-

tion thereof in the Court of Pleas and Quarter Sessions, or Superior Court of Law of the County in which the offence may be committed, shall be fined and imprisoned at the discretion of the Court.

§ XXXIX. *Be it further enacted*, That when the General Assembly may be of opinion that this charter hereby granted shall have been violated, it may be lawful, by joint resolution of the two Houses, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the Judges of the Supreme Court, calling upon the said corporation, to show cause why their charter shall not be forfeited, subject to the same proceedings as are now prescribed by law, in case of other corporations. Their books shall at all times be open to the inspection of a Committee of the General Assembly, appointed for that purpose; and the President of the said Company shall biennially make a report to the Legislature, on or before the third week of their session, of their receipts and expenditures, and of such other of their proceedings as he shall deem proper.

§ XL. *Be it further enacted*, That any Rail Road which may hereafter be constructed by the State, or by any Company incorporated by the Legislature, shall be at liberty to cross the Road hereby allowed to be constructed, upon a level or otherwise, as may be advantageous, provided the free passage of the North and South Carolina Rail Road is not thereby obstructed.

§ XLI. *Be it further enacted*, That whenever the Rail Road shall be so crossed or approached by any other Rail Road incorporated by this State, the said North and South Carolina Rail Road Company may erect a depot at or near the point of intersection, where they may receive and deliver passengers and

freight, and take therefor the same rates of compensation, and be subject to the same regulations, as at other depots; and should they fail or refuse to erect such depots, the State or Company owning such intersecting Road, may erect one, and the Company hereby incorporated shall receive and deliver passengers and freight at such depots, under the same regulations as aforesaid, unless the same shall be rendered impracticable by the situation of the Rail Road at such place.

§ XLII. *Be it further enacted*, That this Act shall take effect and be in force from and after its ratification, and shall enure and continue for the term of ninety years, and no longer.

REPORT

OF

THE COMMITTEE

ON

INTERNAL IMPROVEMENT,

ON BILL NUMBER TWO,

ENTITLED "A BILL TO INCORPORATE

The North and South Carolina Rail Road COMPANY.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

The Committee on Internal Improvement, to whom was referred a second bill, entitled "A bill to incorporate the North and South Carolina Rail Road Company," have had the same under consideration, and ask leave to report the same with sundry amendments, and to recommend its passage, to-wit;

At the end of the preamble, add the words, "*to the South Carolina line.*"

Strike out altogether the 12th section.

In the 14th section, after the word "*things,*" insert the words, "*during the existence of this Charter.*"

In the 18th section, strike out the words "*in fee simple,*" and insert the words, "*during the existence of this Charter.*"

At the end of the 19th section, add the following: "*for the term of fifteen years; and thereafter the Legislatures of North and South Carolina may impose a tax, not exceeding twenty-five cents per annum, on each share of the capital stock, whenever the annual profits thereof shall exceed six per cent.*"

At the end of the 33d section, add the following proviso: "*Provided, that no buildings shall be erected on the lands authorized by this section to be condemned, within one-fourth of a mile of the owner's dwelling house, without his consent.*"

All which is respectfully submitted.

S. F. PATTERSON, *Chairman.*

A BILL

To Incorporate the North and South Carolina Rail Road Company.

NUMBER TWO.

WHEREAS, it is deemed advisable that a connection by means of a Rail Road should be made between the Southern terminus of the Wilmington and Raleigh Rail Road, in the State of North Carolina, and

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That books of subscription for fifteen thousand shares of one hundred dollars each, of the Company hereby incorporated, be opened on the first day of February next, at the following places and under the direction of the following persons, viz. At the town of Wilmington, under the direction of Edward B. Dudley, Alexander MacRae, James Owen, E. C. Bettencourt, P. K. Dickinson, W. A. Berry, Henry Nutt, John McRae, Sr., W. C. Lord, O. G. Parsley, E. P. Hall, John A. Taylor, Edward Cantwell,

Richard Bradley, Robert B. Wood, and George R. French; at Whitesville, in the County of Columbus, under the direction of Josiah Maultsby, Joseph Powell, Alfred Smith, Richard Wooten and W. M. Baldwin; at Fair Bluff, in said County of Columbus, under the direction of Absalom Powell, Alva Smith and William Griffin; at Marion, in Marion district, South Carolina, under the direction of

at Darlington, in Darlington district, South Carolina, under the direction of

at Sumpterville, in Sumpter district, South Carolina, under the direction of

and at such other places in the State of North Carolina, and under the direction of such other persons as any five of the Commissioners herein appointed to superintend the receiving subscriptions at the town of Wilmington, shall designate and appoint, and at such other places in the State of South Carolina, as any three of the Commissioners appointed above, to receive subscriptions at Marion, Darlington, or Sumpterville, shall designate and appoint. The said books of subscription shall be kept open for sixty days, and the Commissioners aforesaid, at the places aforesaid, or so as aforesaid to be designated, shall receive subscriptions for stock in this Company. The time and places of receiving subscriptions as aforesaid, shall be made public by advertisement in a newspaper published in the town of Wilmington aforesaid, and the Commissioners at the several places herein designated, and such as may be hereafter designated as aforesaid, shall, when required so to do, by the Commissioners appointed to receive subscriptions at Wilmington, make report to said Commissioners at Wilmington, of the subscriptions by them respectively received; and if it shall appear that three thousand shares of said stock has been subscribed, the Commissioners at Wilmington shall make it known by advertisement in the newspapers published in that

place, and call a meeting of the subscribers at such time and place as they shall think fit—twenty days' notice of the time and place of such meeting to be given. But if three thousand shares of said stock shall not have been subscribed within the time, first as aforesaid appointed for the opening of said books and receiving subscriptions, the Commissioners appointed at the different places aforesaid, and those to be designated as aforesaid, shall re-open said books for further subscriptions, and keep the same open until such time as the Commissioners at Wilmington, or a majority of them, shall appoint. *Provided*, however, that so soon as it shall be ascertained by the Commissioners at Wilmington, that three thousand shares of said stock shall have been subscribed, it shall be their duty to call a meeting of the subscribers as is herein before provided; and the power to continue open said books shall be vested in the subscribers, or in the Directory of such Company to be appointed by them as is hereinafter provided.

§ II. *Be it further enacted*, That when three thousand shares shall be subscribed for in the manner aforesaid, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared to be incorporated into a body politic or Company, by the name and style of "the North and South Carolina Rail Road Company, and in that name may sue and be sued, plead and be impleaded; and shall possess and enjoy all the rights, privileges and immunities of a corporation or a body politic in law; and may make all such rules. bye-laws and regulations not inconsistent with the Constitutions of the United States and of the States of North and South Carolina, as shall be deemed necessary for the well ordering and conducting the affairs of the Company.

§ III. *Be it further enacted*, That upon any subscription for stock in said Company, there shall be paid

two dollars on each share at the time of subscribing, which payment shall be made to the Commissioners receiving such subscriptions, and the residue thereof shall be paid in such instalments and at such time as may be required by the President and Directors of the Company. The Commissioners and deputy Commissioners appointed to receive subscriptions, shall forthwith, after the election of a President and Directors of the Company, pay over to the said President and Directors all moneys received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion or by petition in any Court of record in either of the States of North or South Carolina, in which said Commissioners may reside; and if the sums are demanded by petition, the defendants shall answer on oath, and the suit, whether by motion or petition, shall be heard and determined at the first Court: *Provided, however*, That in either case, the defendants shall have been notified at least ten days before the Court in which the motion is made, or the petition filed.

§ IV. *Be it further enacted*, That to constitute any general meeting of the Stockholders, a number of persons holding a majority of all the shares, shall be present either in person or by proxy; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time, until a meeting shall be formed.

§ V. *Be it further enacted*, That the proprietors of the Stock, at the general meeting above directed, and every annual meeting thereafter, shall elect a President and ten Directors, three of whom shall be chosen from Stockholders resident in the State of South Carolina, and three from Stockholders resident in the State of North Carolina, and the remaining four from Stockholders, without reference to their place of res-

idence; and said President and Directors shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said President, or any of the Directors, may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of the votes given at any called or general meeting. The President, with any five or more Directors shall constitute a board for the transaction of business; and if the office of President become vacant, the Directors shall elect one of their own body *pro tem.*, and if there be a vacancy in the directory, the other Directors may fill the vacancy by electing a Stockholder: and if the President shall at any time be absent from the Board, the Directors may, if five be present, appoint one of their own body to act as President, during that meeting.

VI. *Be it further enacted*, That there shall be annual meetings of the proprietors of stock, at such times and places, as the preceding general meeting have appointed. Proprietors may attend by proxy, under such rules as the bye-laws prescribe: *Provided*, That in no case shall the President, or any Director, vote under the authority of another Stockholder, nor shall any officer or agent of the Company be the proxy of a Stockholder; and if there be any proxy which is jointly made to the President and another or others, or to any Director and another or others, or to any officer or agent of the Company, jointly with another or others, the proxy shall be void.

VII. *Be it further enacted*, That special meetings of the Company may be called by the President and Directors, or a majority of the Board assembled; or it shall be called by the President, whenever ten members of the Company, or more, owning together two hundred shares, shall require it: *Provided*, That public notice shall be first given of the time and place

of such meeting, and of the purpose for which it was called, unless the interest of the Company requires that the cause of convening the meeting should not be published. *And provided*, that either in person or by proxy, there shall be present at the meeting a number of persons owning together a majority of the stock.

VIII. *Be it further enacted*, That the President and Directors of the said Company shall be, and they are hereby invested with all the rights and powers necessary, for the construction, repair, and maintaining of a Rail Road to be located as aforesaid, and to begin at such point, and prosecuted in such directions, as the Stockholders shall direct, and they may cause to be made and constructed for the said Company, all works whatsoever, which may be deemed necessary or expedient to the successful and proper completion and enjoyment of said Rail Road. They may appoint a Secretary and Treasurer, and other officers, and take from them bonds and security for the faithful performance of their duties, which bonds shall be made payable to the Company: but the salaries or other compensation of the said officers, shall be regulated by the Stockholders in general meeting; and during the intervals between the general meetings of the Stockholders, the President and Directors may transact all the business of the Company, with the limitations hereinbefore and hereafter stated.

§ IX. *Be it further enacted*, That the President and Directors shall have power to make contracts with any person or persons, on behalf of the Company for making said Rail Road, and performing all other works respecting the same: *Provided*, they shall not make any contract with any member of the Board of Directors, nor with the President, without the express assent of the Stockholders be given to such a contract at a general meeting.

§ X. *Be it further enacted*, That at any general meeting of the Stockholders, no person who has an individual interest in a question to be decided by them, shall be allowed to vote either for himself, or as the proxy of another Stockholder, and no person shall be elected a President or a Director of the Company, who does not own at least ten shares of Stock in the Company; and if any person, after his election to the office of President or Director, ceases to be the owner of so many shares, he shall thereupon cease to be the President or a Director of the Company, and the vacancy shall be filled as heretofore provided for: Nevertheless, the Stockholders may elect a President and Directors, who are not the owners of ten shares each, if it is done by the unanimous consent of those present at a general meeting.

§ XI. *Be it further enacted*, That if any Stockholder shall fail to pay the sum required of him on his subscription, by the President and Directors, or a majority of them, within one month after the same shall have been advertised in some newspaper published at Wilmington, it shall and may be lawful for the said President and Directors to sue for the same in an action of assumpsit or by warrant, according to the jurisdiction of the respective tribunals of North or South Carolina; and in case of warrant, there shall be no stay of execution; and it shall and may be lawful for the said President and Directors, either without any such suit or after it, to sell at public auction and convey to the purchaser such share or shares of such Stockholder so refusing or failing, giving, however, one month's notice of the time and place of sale, by advertisement in some newspaper published at Wilmington; and after retaining the sum due and all costs and charges of the suit, or of the sale, or both, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative:

and if the sale shall not produce the sum required to be advanced, with the incidental costs and charges aforesaid, the President and Directors may recover the balance of the original proprietor, or his assignee, or executor, or administrator, by notice in Court as aforesaid; or if judgment has been already obtained, they may take out execution thereon for the balance due them; and any purchaser of the stock of the Company under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietor; and no sale by the original proprietor or his assigns, nor by the Company, shall release the original proprietor from his obligation to the Company to pay the whole amount of his subscription; but the President and Directors may proceed against the original proprietor and his assigns, or the assignee of the original proprietor and his assigns, so that they do not exact full payment from both, or more than one.

§ XII. *Be it further enacted*, That the debt of a Stockholder, due to this Company for stock therein, either as original proprietor, or first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of the assets of a deceased Stockholder, by his executor or administrator.

§ XIII. *Be it further enacted*, That it shall and may be lawful for the said Company to purchase and hold, and take by gift or devise, all lands and other estate and property of any kind, to be by them used or improved, or re-sold and conveyed: *Provided*, the said property and estate are faithfully applied to the purposes and objects hereby intended to be effected: and in general meetings, and at other times, the President and Directors are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted, and all such other

powers and authority for the effectual prosecution of the undertaking hereby intended to be effected, and for the management of the affairs of the corporation, not hereinbefore granted, as may be necessary to carry into effect the object of this grant.

§ XIV. *Be it further enacted*, That if the President and Directors aforesaid cannot agree with the owners of land through which it may be necessary to make the said Rail Road, as to the terms upon which the said Rail Road shall be opened through the same, then it shall and may be lawful for the President and Directors to file a petition in the name of the Company, in any Court of record in the County or district where the land lies, under the same rules and regulations as are now prescribed by law, for laying off public roads, and upon the filing of said petition, the same proceedings shall be had as in cases of laying off public roads, except these, viz. the President and Directors, by themselves or their agent, shall mark out the course of the Road; and it may be wide enough to give the Company sixty-five feet clear on each side of the base of the road; and the jury, in assessing the damage, shall likewise assess the value of the benefits resulting to the owners of the land, for the constructing of the road through or near the lands of the owner or owners of that which is marked out for the road, and the jury shall be sworn to act accordingly; and when the jury shall have assessed the damages to the owner or owners of the land through which the road is laid off, and also the value of the benefit resulting as aforesaid, it shall be returned to Court, and final judgment entered accordingly for the damages assessed, which, however, shall be extinguished *pro tanto* by the value of the benefits resulting to the owner: And it shall be lawful for the Company, or the President and Directors, to pay the difference, if there be any, into the office of the Clerk,

for the use of the owner or owners, or his, her, or their guardian, as the case may be; and thereupon, and also if there be no damage due, enter upon the land laid off, and construct their road or other improvements thereon, to make all necessary excavations and embankments, and to hold the said land to their own use and benefit; and in all *things*, have the same power over the lands so laid off, as though they owned the fee simple therein: *Provided*, that nothing in this act contained, shall be so construed as to give power to said Company to lay off said road, through the yard, garden, or burial ground, appurtenant to the mansion house of any person whatever, without the consent of the owner thereof, or his, her or their guardian, as the case may be.

§ XV. *Be it further enacted*, That the written consent of any owner or proprietor of any lands through which the said road is to be constructed, showing his, her or their agreement to the same, shall be valid and effectual to give the same power and authority over the lands covered by the road, and sixty-five feet on each side thereof as aforesaid, as if the same had been conveyed by a deed of bargain and sale or condemned upon petition as aforesaid: and although the said lands may belong to a *feme covert*, the signing of such assent by her and her husband, shall be as conclusive and effectual against her as though she had been a *feme sole*, subject, however, to the proviso contained in the preceding section: and this assent shall be binding and conclusive, though it be signed before the Company is formed.

§ XVI. *Be it further enacted*, That when any wood, gravel, earth, or stone, shall be wanted for the construction or repairing of said Road, and the President and Directors cannot agree with the owners of the lands adjacent, as to the terms for which they can procure the same, then it shall be lawful for the Pres-

ident and Directors, by themselves, or agents, or officers, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, earth, or gravel, so needed as aforesaid: *Provided*, they shall not, without the owner's consent, cut down any fruit trees, or trees preserved in any lot or field for shade or ornament, or take any timber, gravel, or stone, constituting any part of a fence or building; and when any gravel, stone, or earth, shall be taken as in this Act is provided, the President and Directors may tender amends to the owner or proprietor, and if the owner or proprietor shall be dissatisfied with the amount, he may refuse it, and file his petition against the Company, in any Court of the District or County where the land lies, (first giving ten days' notice thereof to the President and Directors,) praying to have a jury summoned to go upon the land, view it, and assess the damages he, she or they may have sustained thereby, upon which, it shall be the duty of the Court to order a jury as in laying off public roads; which jury shall go upon the lands, and after being duly sworn to do equal justice to all parties, they shall consider what damages the owners of the land shall have sustained, and after assessing the same, shall return their proceedings to Court; and if the Court approve thereof the damages so assessed, shall be paid by the Company; but if the Court shall not approve thereof, they shall order another jury to be summoned, who shall proceed in like manner to assess and make return to the Court, and if the Court shall approve thereof, the Company shall pay the damages assessed; and if they do not pay it, judgment may be entered, and execution may issue thereon, as against other corporations: *Provided, however*, the jury shall in all cases take into view the benefit which has resulted to the owner of the land by the construction and maintaining of the Road: *Provided, further*, that if the damages assessed by the jury are

not more than the amount tendered by the Company or its agent, (although the amount of the tender be not paid into Court.) the petitioner shall not recover costs. *And provided further*, That either party not satisfied with the judgment of such District or County Court, in such cases may appeal therefrom, upon giving bond and security as in other cases of appeals.

XVII. *Be it further enacted*, That the President and Directors, and all other officers and agents of the Company, may enter upon the lands of any person or persons whatever, for the purpose of surveying a route for the said Rail Road, and laying off the same, and they may mark and chop on the trees the courses laid off as aforesaid, so that they do not invade the dwelling, or the yard, or garden of any person or persons, without his, her, or their consent.

XVIII. *Be it further enacted*, That if the President and Directors of said Company shall, without the consent of the owner, construct the said Rail Road over the lands of any person or persons before a condemnation of the same, in the manner provided in the preceding section, it shall and may be lawful for the owner or owners of said land, to petition after the manner and according to the rules provided in the sixteenth section hereof, and not otherwise ; and after the assessment of the damages to be paid, and the payment thereof, the property in the ground covered by the Road, and sixty-five feet on each side thereof, measuring from the base of said Road, shall become to all intents and purposes vested in the Company *in fee simple ;* and if the owners of said lands shall bring any action of trespass against the Company, or any of its officers, or any other action but a petition as aforesaid, for any act done in conformity with the provisions of this Act, the defendants may give this Act in evidence under the general issue, or upon a special plea, and it shall bar the said action or suit.

§ XIX. *Be it further enacted*, That it shall and may be lawful for the said President and Directors to determine, from time to time, what instalments shall be paid on the stock subscribed: to purchase with the funds of the Company, and place on the said Rail Road constructed by them, all machines, wagons, vehicles, carriages, and teams, of any description whatsoever, which may be deemed necessary and proper for the purposes of transportation, and all the property purchased by the said President and Directors, and that which may be given to the Company, and the works constructed under the authority of this Act, and all profits accruing on the said works, shall be vested in the respective shareholders of the Company, and their successors and assigns forever, in proportion to their respective shares; and the shares shall be deemed personal property, and the property of said Company, and the shares therein shall be exempt from any public charge or tax whatsoever.

§ XX. *Be it further enacted*, That the Stockholders of the said Company may at any general meeting, re-open the Books of Subscriptions, under regulations to be prescribed by them, to increase the capital stock of said Company, until the whole capital of fifteen hundred thousand dollars is subscribed; or they may sell the stock remaining unsubscribed for, and the advance on the same above par shall belong to the proprietors of the stock originally subscribed; and in case the books are opened after a part of the Road is completed and profits received thereon, and expended on the Road, the original subscribers shall be reimbursed out of the profits of the Road, the amount of profits that have been expended anterior to the last subscriptions, before any dividends of profits are made among all the Stockholders.

§ XXI. *Be it further enacted*, That the Stockholders in general meeting may, if they think fit, resolve to

construct a branch or branches to the main Road, to be connected with the main Road at such point or points, as they may determine on, and to lead in such direction, and to such a point or points, as they may think best; and in order that they may do so, the said Stockholders are fully authorised to cause books to be opened for subscriptions to the said lateral road or branch of the main road; and the subscribers for stock shall be subject to all the rules previously made by the Company, and become members of the Company with this exception only, viz: that the stock subscribed by them shall be faithfully and honestly applied to the construction of that branch of the road for which they subscribed it; but the subscribers for the main road and the branches, shall constitute but one Company; and their rights of property and estate shall be in common, and not separate: *Provided, however*, That the whole capital of subscribed stock shall not exceed three millions of dollars.

§ XXII. *Be it further enacted*, That all the powers, rights and privileges conferred by the preceding sections upon the said Company, in respect to the main road, and the lands through which it may pass, are hereby declared to extend in every respect to the said Company and the President and Directors thereof, in the laying out, in the construction, and in the use and preservation of the said lateral or branch road.

§ XXIII. *Be it further enacted*, That it shall and may be lawful for the said Company to construct a branch to the main road as aforesaid, under the restrictions aforesaid, so soon as the main road has reached the point at which the branch road is intended to be joined with the main road; but they shall not, under any pretence whatever, apply the funds of the Company to the construction of a lateral or branch road, until the main road is completed, ex-

cept they be subscriptions specifically made for the branch or lateral road.

§ XXIV. *Be it further enacted*, That where a branch or lateral road to the main road is shorter than twenty miles, no other person or Company shall be authorized and empowered to build a Rail Road, from any point near its termination, so as to intersect with this main road in order to injure this Company.

§ XXV. *Be it further enacted*, That so soon as ten miles of said Rail Road shall be completed, and as often thereafter as any other section of like length shall be completed, the said Company or the President and Directors, may transport all produce or other commodities that shall be deposited convenient to the said Road for that purpose, and which they may be required to convey to any point on said Road; and for such carriage they shall be entitled to receive and demand the following rates, to-wit: Not exceeding fifty cents per cwt. for one hundred miles, for heavy articles, and fifteen cents per cubic foot for light articles; and for the transportation of passengers, not exceeding six cents per mile for each passenger, until the nett profits received shall amount to a sum equal to the capital stock expended, with six per cent per annum interest thereon, from the time the money was advanced by the Stockholders until received back into the nett profits; but when the nett profits received as aforesaid from the tolls aforesaid, shall have amounted to a sum equal to the capital stock aforesaid, with interest thereon as aforesaid, then the tolls which the said Company, or the President and Directors, shall be entitled to receive for the transportation of produce or other commodities on the said Rail Road, shall be fixed and regulated from time to time by the President and Directors of the Company, so as to make them sufficient, in their estimation, to yield a nett profit equal to fifteen per cent. per annum

on the capital stock of the Company, over and above what may be necessary for the repairs, improvement or renewal of the same, together with all other incidental expenses of the Company; and it shall not be lawful for any other person or Company whatever, to travel along or upon the said road or any part thereof, or use it or any part thereof, for transportation of produce or otherwise, without the license and permission of the President and Directors: but nothing herein contained shall be so construed as to prevent the said Company from making a contract for the transportation of the mail, upon such terms as may be agreed upon between said Company and the agents of the United States.

§ XXVI. *Be it further enacted*, That it shall be lawful for the said Company, in the construction of said Road, to intersect or cross any public or private way established by law; and it shall be lawful for them to run their Road along the route of any of said roads: *Provided*, that whenever they intersect or cross the said public or private roads, the President and Directors shall cause the Rail Road to be so constructed as not to impede the passage of travellers on the public road or private way aforesaid: and whenever the Rail Road runs over and along with such public common road or way, the President and Directors shall cause the new common road, (which shall be laid out by the proper authority upon the petition of the President and Directors,) to be opened at their expense; but the jury empanelled shall take into view, in estimating the damages of the owner, the value to the said owner of having the Rail Road constructed through or near his lands.

§ XXVII. *Be it further enacted*, That certificates of stock shall be issued under such regulations as the bye-laws prescribe: and the shares of the Company shall be transferable according to such rules and

upon such terms only as may be established by the Company in general meeting.

§ XXVIII. *Be it further enacted*, That it shall be lawful for the President and Directors to erect ware-houses and other necessary buildings for the use of the Company, at convenient and eligible sites; they may also erect scales at the ware-houses and elsewhere on the road, or at the ends of it, to weigh the produce or other commodities conveyed thereon.

§ XXIX. *Be it further enacted*, That it shall and may be lawful for the President and Directors, or the Company hereby created, to borrow money for the objects of this act, and to make and issue all proper evidences of such loan, and assurances for the re-payment thereof.

§ XXX. *Be it further enacted*, That in all meetings of the Company, each share shall be entitled to one vote: *Provided*, that the Stockholders may, at any general meeting, establish a different scale of voting, if it shall be unanimously agreed to.

§ XXXI. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the Stockholders, and at any other times when the Company shall require it: and so soon as the Rail Road is completed, the said President and Directors, or a majority of them, shall semi-annually make a dividend of the profits of the Road among the Stockholders; or if they shall deem it advisable to do it, they may make such dividends of profits as are collected for tolls and transportation, and all other resources of the Company, before the whole is completed.

XXXII. *Be it further enacted*, That if the said Company shall not begin the said Road or some part

thereof, in three years after the ratification of this act, they shall forfeit all the privileges conferred by this charter. If they shall not have completed the main road in twelve years thereafter, then the Company shall forfeit so much of the rights and privileges hereby created, as confer upon the said Company the power of extending the said Road above the point at which it shall then be constructed: but they shall not forfeit their property and privileges in any manner as to so much of the Road as they have completed: *Provided, however,* that the said Company shall in good faith expend all their capital subscribed in endeavoring to construct a Rail Road along the whole of said route, and providing the necessary vehicles and fixtures for its use and enjoyment.

§ XXXIII. *Be it further enacted,* That if the President and Directors shall be unable to agree with the proprietor for the purchase and sale of such quantity of ground as may be necessary for the erection of a warehouse, or a house to cover stationary engines, or to protect engines, machines, and cars, or other vehicles, together with stables, warehouses, and offices, or for any other use which the convenience of the Company may require, it shall and may be lawful for the President and Directors to file a petition in some Court of the County or District where the land lies, against the proprietor or proprietors setting forth the circumstances, and upon its being made to appear in Court, that the said proprietor or proprietors have had ten days' notice of such application, the Court shall direct a jury to be summoned to go upon the premises, which jury shall be sworn to do equal and impartial justice, and to assess the damage which the said proprietor will sustain by reason of the condemnation of the land, and they shall proceed to assess the amount the petitioners ought to pay the proprietor, but in assessing said amount, the jury shall take into the estimate the benefit resulting to said proprie-

tor from constructing such Rail Road, and erecting the works contemplated on or near to the lands of the proprietor, but only in extinguishment of damages; and the said President and Directors may afterwards pay the said assessment into Court, or not, as they choose; if they do pay it, the Company shall be seized of such land in fee; if they refuse to do it, they shall pay the costs; and the Sheriff, or his deputy, or the Coroner, or his deputy, as the case may be, are hereby authorized to administer the said oath to the jury aforesaid.

§ XXXIV. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatever, injure, impair, or destroy any part of the Road constructed by the authority of this Act, or any of the works, buildings, machines, wagons, vehicles, carriages, or other property of the Company, such person or persons shall be liable to indictment, and upon conviction, he, she, or they shall be fined and imprisoned at the discretion of the Court, not exceeding a fine of one thousand dollars and one year's imprisonment, and be liable moreover, to the action of the Company, for damages, by an action on the case, in any Court of Record in North or South Carolina.

§ XXXV. *Be it further enacted*, That it shall and may be lawful for the said Company to purchase, own, and possess steamboats, and other vessels, to ply and sail as ferry boats, on any of the rivers or streams on which it may be desirable to transport passengers or produce in connection with said Rail Road, and to take and receive for the use of the Company, over and besides the profits allowed in this Act, such sums of money or other property, for freight, passengers, or other accommodation on said boats and vessels, as they may be able to make by contracts with their customers, and according to such rates as they may from time to time establish.

§ XXXVI. *Be it further enacted*, That it shall not be the duty of the said Company to receive produce, goods, wares and merchandize, to be transported on the said road, at any other places than their regular depots—which they are required to establish ; and it shall be lawful for the said Company to charge fifty cents, in addition to the rates hereinbefore established, for every passenger they may take up at any points on the said Road, other than their depots as aforesaid.

§ XXXVII. *Be it further enacted*, That this act shall be regarded as a public act, and may be given in evidence as such in all cases, without special pleading.

§ XXXVIII. *Be it further enacted*, That this Act shall be in force from and after its ratification, and all laws and clauses of laws, coming within the meaning and purview of this Act, shall be, and the same are hereby repealed.

REPORT

OF

THE COMMITTEE

OF

INTERNAL IMPROVEMENT,

ON THE BILL TO INCORPORATE

THE

Charlotte and Camden Rail Road COMPANY.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on Internal Improvement, to which was referred "A bill to incorporate a Company to construct a Rail Road from some point on the South Carolina Rail Road, to the Town of Charlotte, in Mecklenburg County, to be called "*The Charlotte and Camden Rail Road Company*," have considered the same, and beg leave to report the said bill to the Senate, with the following amendments, and to recommend its passage, to-wit:

At the end of the 24th section, add the proviso marked A.

In the 32d section, strike out the word "*forever*," and at the end of the section, add the following words: "*for the term of fifteen years.*" Also, add the proviso marked B.

At the end of the 36th section, add the following words: "*Otherwise, the privileges herein granted shall be forfeited and cease.*"

In the 37th section, strike out all after the word *unless*, and insert the following words: "*It be enacted by the Legislature of South Carolina, or an act for a similar purpose be passed by that body, embracing substantially the same provisions, limitations and restrictions as are herein contained.*"

Strike out altogether the 39th section.

All which is respectfully submitted.

S. F. PATTERSON, *Chairman.*

AMENDMENTS.

(A.)

Sec. 24. *Provided*, that on application for the appointment of Commissioners under this section, it shall be made to appear to the satisfaction of the Court, that at least ten days previous notice has been given by the applicants to the owner or owners of the land so proposed to be condemned; or, if the owner or owners be infants or *non compos mentis*, then to the guardian of such owners, if such guardian can be found within the County, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day at least, of the next preceding term of said Court: *And provided further*, that the valuation provided for in this section, shall be made on oath by the Commissioners aforesaid; which oath, any Justice of the Peace, or Clerk of the Court, of the County or District, in which the land lies, is hereby authorized to administer.

B.

Sec. 32. Strike out the word "*forever*," and at the end of the section, add—*for the term of fifteen years, and proviso:*

Provided, That it it shall be competent for the Legislatures of North and South Carolina, at any time after

the expiration of the period aforesaid, to impose such tax upon the estate, both real and personal of the aforesaid Company, as they may deem reasonable and just; not exceeding, however, in any event, the tax imposed on the respective citizens of said States, on property owned by them of similar character.

SEC. 36. At the end of section, add—" otherwise the privileges herein granted, shall be forfeited and cease."

SEC. 37. Strike out all after the word "*unless*," and insert the following—" it be enacted by the Legislature of South Carolina, or an act for a similar purpose be passed by that body, embracing substantially the same provisions, limitations, and restrictions, as are herein contained."

SEC. 39. Strike out altogether.

A BILL

To Incorporate a Company, to construct a Rail Road from some point on the South Carolina Rail Road to the Town of Charlotte in Mecklenburg County, to be called "The Charlotte and Camden Rail Road Company."

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That for the purpose of establishing a communication by Rail Road between the town of Charlotte, in North Carolina, and some point hereafter to be determined, on the South Carolina Rail Road, the formation of a Company, to be called the Charlotte and Camden Rail Road Company, is hereby authorized, which, when formed, shall have corporate existence in each of the States of North Carolina and South Carolina.

§ II. *Be it further enacted,* That books for subscription of fifteen thousand (15,000) shares of the capital stock of said Company, of one hundred dollars each, shall be opened on the first Monday in June next, and shall be kept open for six days, between the hours of ten o'clock in the morning, and four o'clock in the evening of each of those days, at the City of Charleston, in South Carolina, and at the town of Charlotte, North Carolina, and such other places in the States of North Carolina and South Carolina, as shall be designated by the Governor of each State respectively; and by such Commissioners, not, however, ex-

ceeding three in number, as shall be appointed by the Governor of each State—of which appointment each Commissioner shall be specially notified by the Governor: And there shall be public notice in some newspaper published at the Seat of Government of each State, for at least one month before the said first of June.

§ III. *Be it further enacted*, That the said Commissioners, or a majority of them, at each of the places aforesaid, or so as aforesaid to be designated, shall receive subscriptions for stock in the said Rail Road Company, during the times said books are directed to be kept open; and on each share so subscribed, shall demand and receive the sum of five dollars, without which, the subscription shall be void.

§ IV. *Be it further enacted*, That as soon as the time for receiving subscriptions as aforesaid, shall have expired, the said Commissioners shall respectively deposite all the money so received by them in some incorporated Bank, redeeming its notes in specie, either in the State of South Carolina or North Carolina, and shall forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a commission composed of the following persons—Joseph H. Wilson, Leroy Springs, John A. Young, C. J. Fox, and W. F. Strange, who shall ascertain, on or before the first Monday in August next, the whole number of shares taken in the said Company, and publish the same in two or more newspapers in each of the States of North Carolina and South Carolina, and on or before the first Monday in August next; and if the sum of two thousand shares shall have been subscribed, on each of which there shall have been paid the sum of five dollars, said Company shall be regarded as formed, and the said commission, or a majority of them, shall sign and seal two duplicate declarations to that ef-

fect, with the names of all the subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State, in each of the States of North Carolina and South Carolina; and thenceforth from the closing of the books of subscription as aforesaid, the said subscribers to the stock, shall form one body politic and corporate, in deed or in law, in the States aforesaid, and for the purposes aforesaid.

§ V. *Be it further enacted*, That if, on closing the books aforesaid, the number of two thousand shares shall not have been subscribed, then and in that case, the said commission, by themselves or their agents, shall receive subscriptions of stock from individuals or bodies corporate, until the number of fifteen thousand shares shall have been subscribed—*Provided* the same shall be done on or before the first Monday in June, A. D. 1848. And when the said number of fifteen thousand shares shall have been subscribed, if the same shall be done on or before the day last aforesaid, or on that day of a less number, but amounting to two thousand shares or more shall have been subscribed, the said subscriptions shall be closed. The subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made and deposited in the offices of the Secretary of State in manner aforesaid.

§ VI. *Be it further enacted*, That subscriptions of stock received by the said commission, or their agent, shall be in the same terms as subscriptions received by the commission appointed under the second section of this Act.

§ VII. *Be it further enacted*, That the said Charlotte and Camden Rail Road Company, so formed as aforesaid, shall have perpetual succession of members—may have a common seal—may sue and be sued—

plead and be impleaded in any Court of Law and Equity, and make all such rules, regulations and by-laws, as are necessary for the government of the corporation or effecting the object for which it was created. *Provided*, such rules, regulations and by-laws are not inconsistent with the laws or constitutions of the said States of North or South Carolina or of the United States. *Provided*, that notice or service of process upon the principal agent of said company or any member thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company, so as to bring it before the Court.

§ VIII. *Be it further enacted*, That the affairs of said company shall be managed and directed by a general board, to consist of twelve directors, to be elected by the stock-holders from among their number.

§ IX. *Be it further enacted*, That the election of directors shall be by ballot, each stock-holder having as many votes as he has shares in the stock of said Company; and the person having a majority of all the votes polled shall be considered as duly elected.

§ X. *Be it further enacted*, That the President of the Company shall be elected by the Directors from among their number, in such manner as the regulations of the Company shall prescribe.

§ XI. *Be it further enacted*, That as soon as the number of two thousand shares shall have been subscribed in manner aforesaid, it shall be duty of the commission appointed under the fourth section of this act, to appoint a time for the Stockholders to meet at Charlotte in the State of North Carolina, which they shall cause to be published in one or more newspapers published in North Carolina or South Carolina, at which time and place, the said Stockholders, in person or by proxy, shall proceed to elect the Directors of the Company, and enact all such regulations and bye-laws

as may be necessary for the government of the corporation, and the transaction of its business. The persons elected Directors at this meeting, shall serve such period, not exceeding one year, as the Stockholders may direct, and at this meeting the Stockholders shall fix on the day and place or places where the subsequent election of Directors shall be held and such elections shall henceforth be annually made. But if the day of the annual election should pass without any election of Directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

§ XII. *Be it further enacted*, That the Board of Directors may fill up all vacancies which may occur in it during the period for which they have been elected, and in the absence of the President, may fill his place by electing a President *pro tempore*.

§ XIII. *Be it further enacted*, That all contracts or agreements, authenticated by the President and Secretary of the general or local boards, shall be binding on the Company without seal, or such a mode of authentication may be used, as the Company by their by-laws may adopt.

§ XIV *Be it further enacted*, That the Company shall have power, and may proceed to construct as speedily as possible, a Rail Road, with one or more tracks, to be used with steam, animal, or other power, which shall extend from some point on the South Carolina Rail Road, to the Town of Charlotte, in the County of Mecklenburg, and State of North Carolina. Said Company may use any section of the Rail Road constructed by them, before the whole of said Road shall be completed.

§ XV. *Be it further enacted*, That the said Company shall have the exclusive right of conveyance, or transportation of persons, goods, merchandize, and produce over the said Rail Road, to be by them constructed, at such charges as may be fixed on by a majority of the Directors.

§ XVI. *Be it further enacted*, That the said Company may, when they see fit, farm out their rights of transportation on said Rail Road, subject to the rules above mentioned, and said Company, and every person who may have received from them the right of transportation of goods, wares, and produce in the said Road, shall be deemed and taken to be a common carrier, as respects all goods, wares, merchandize, and produce, intrusted to them for transportation.

§ XVII. *Be it further enacted*, That the Board of Directors may call for the payment of the sums subscribed as stock in said Company, in such shares as the interests of said Company may, in their opinion require. The call for each payment shall be published for one month, in such newspapers in each State as they may deem expedient; and on failure to make payment according to the rules adopted by the Directors, they shall have power to coerce the payment of the whole amount subscribed by such delinquent Stockholder, by such proceeding in Law or Equity, as may be applicable to the case; and in case of ultimate failure to pay the instalments so required, there shall be a forfeiture of the share or shares on which default shall be so made, and all payments thereon; and the same shall vest in and belong to the Company, to be disposed of by the Board of Directors, as in their opinion the interests of the Company shall require.

§ XVIII. *Be it further enacted*, That the Stock of

said Company may be transferred in such manner and form as may be directed by the by-laws of the said Company.

§ XIX. *Be it further enacted*, That the said Company may at any time increase its Capital to a sum sufficient to complete the said Road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the Company, and on the mortgage of its charter and works, and the manner in which the same shall be done in either case, shall be prescribed by the Stockholders at a general meeting.

§ XX. *Be it further enacted*, That the Board of Directors shall, once in every year at least, make a full report on the state of the Company and its affairs, to a general meeting of the Stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the Stockholders, when the Board may deem it expedient; and the Company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

§ XXI. *Be it further enacted*, That the Stockholders may provide by a by-law, as to the number of Stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of Stockholders or Directors.

§ XXII. *Be it further enacted*, That any Stockholder in the Company may vote by proxy; and proxies may be verified in such manner as the Stockholders by by-laws may prescribe.

§ XXIII. *Be it further enacted*, That the said Company may purchase, have, and hold, in fee or for a term of years, any lands, tenements, or hereditaments,

which may be necessary for the said Road, or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants, or agents of the Company, or for work-shops or foundaries, to be used for said Company, or for procuring stone or other materials necessary to the construction of the Road, or for effecting transportation thereon, and for no other purpose whatever.

§ XXIII. *Be it further enacted*, That the said Company shall have the right, when necessary, to conduct the said Road across or along any public road or water course: *Provided*, that the said Company shall not obstruct any public road without constructing another as convenient as may be.

§ XXIV. *Be it further enacted*, That when any lanes or right of way may be required by the said Company, for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any Court of Record having common law jurisdiction, in the County or District where some part of the land or right of way is situated. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the Rail Road or work, and shall state particularly the nature and amount of each; and the excess of loss and damage over and above the advantage and benefit, shall form the measure of valuation of the said land or right of way. The proceedings of the said Commissioners, accompanied with a full description of the said land

or right of way, shall be returned under the hands and seals of a majority of the Commissioners, to the Court from which the commission issued, there to remain a matter of record. And the lands or right of way so valued by the Commissioners, shall vest in the said Company in fee simple, so soon as the valuation may be paid, or when refused may be tendered.

§ XXV. *Be it further enacted*, That in the absence of any contract or contracts with said Company, in relation to lands through which the said Road or its branches may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said Road or any of its branches may be constructed, together with a space of an hundred feet on each side of the centre of the said Road, has been granted to the Company by the owner or owners thereof; and the said Company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of said Road, and no longer, unless the person or persons owning the said land at the time that part of the said Road which may be on the said land, was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands as herein before directed, within two years next after that part of said Road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor, provided nothing herein contained shall affect the rights of *feme coverts* or infants, until two years after the removal of their respective disabilities.

§ XXVI. *Be it further enacted*, That all lands not heretofore granted to any person, not appropriated by law to the use of the State, within one hundred feet of the centre of the Road which may be constructed by the said Company, shall vest in the Company as soon as the line of the Road is definitely laid out through it; and any grant thereafter shall be void.

§ XXVII. *Be it further enacted*, That if any person or persons shall intrude upon the said Rail Road, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will thereof, he, she or they shall forthwith forfeit to the said Company, all the vehicles that may be intruded on the said Road, and the same be recovered by suit at law, and the person or persons so intruding, may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any Court of competent jurisdiction.

§ XXVIII. *Be it further enacted*, That if any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage or destroy, injure or obstruct the said Rail Road or any bridge or vehicle used for or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty, at the discretion of the Court before which such conviction shall take place; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence, that he was the owner

or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, or caused at the time the same was caused or done.

§ XXIX. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on the said Road or its branches, shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the Company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

§ XXX. *Be it further enacted*, That the said Company shall have the right to take, at the store-houses they may establish on or annex to their Rail Road, or the branches thereof, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rules, may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, that the said Company shall not charge or receive storage on goods, wares, merchandize, or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have the power of transporting immediately.

§ XXXI. *Be it further enacted*, That the profits of the Company, or so much thereof as the general board may deem advisable, shall, when the affairs of the Company will permit, be semi-annually divided among the Stockholders, in proportion to the stock each may hold.

§ XXXII. *Be it further enacted*, That the Capital Stock in the said Company, the dividends thereon, and all the property, real and personal, belonging to the

said Company, shall be forever exempt from taxation by either of the States of North Carolina and South Carolina, or any corporate municipal police, or other authority thereof, or of any Town, City, County, or District thereof.

§ XXXIII. *Be it further enacted*, That the following officers and persons in the actual service of the said Company, be and are hereby exempted from the performance of jury and ordinary militia duty: the presidents of the general and local boards, and chief and assistant engineers—the secretaries, auditors and accountants of the boards—keepers of the depositories—guards stationed on the road to protect it from injury, (not exceeding one man for every five miles,) and such persons as may be working the locomotive engines and travelling with cars for the purpose of attending to the transportation of produce, goods and passengers on the road, not exceeding one engineer and his assistant to each locomotive engine and one person to each passenger car and every five cars for transporting goods.

§ XXXIV. *Be it further enacted*, That said Company shall be entitled only to such powers and privileges, as shall be granted to it by the Legislature in corporating it and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities which may be imposed on it by either of the Legislatures, by the act of incorporation, so that its powers and privileges and disabilities, may be similar in each of the States.

§ XXXV. *Be it further enacted*, That nothing contained in this act, shall be construed to prevent either State from subscribing for shares in the stock of the said Company, and paying for the same in any manner which the Legislature of either State may prescribe.

§ XXXVI. *Be it further enacted*, That the Company shall begin the construction of the said road within three years from the first day of January eighteen hundred and forty-seven, and complete it within ten years thereafter.

§ XXXVII. *Be it further enacted*, That this act shall be inoperative and void, unless an act for a similar purpose is enacted by the Legislature of South Carolina.

§ XXXVIII. *Be it further enacted*, That this act shall be regarded as a public act, and may be given in evidence as such, in all cases, without a special pleading.

§ XXXIX. *Be it further enacted*, That this act shall go into effect, subject, however, to all such amendments as may be made to it at the existing session of the Legislature of South Carolina.

WILMINGTON AND RALEIGH

RAIL ROAD COMPANY.

The Debt to which the State is security at present, $250,000, viz:

Due to the	Public Treasury,	$50,000
"	Literary Board,	50,000
"	Individuals,	150,000
		$250,000

Is there any scheme by which the State may be relieved, and yet enjoy the reasonable prospects of realizing something from the 6000 shares of Stock held in the Company?

ANSWER.

The Income of the Company is more than sufficient to pay the interest upon this debt. It has been sufficient for several years, to pay not only the interest on this debt, but upon their other debts also, and still leave a surplus to apply in part to the extinguishment of the principal of their other debts. Hereafter, this may be done with more certainty and system, if it be true that their floating debt has been paid off, and now the whole debt of the corporation is a permanent one; the princi-

pal of which is not demandable for many years, and the interest paid by the profits of the Road.

The Mortgage of the Road is ample security for this debt, and always will be so, for a much larger amount. If the Road were stopped and the corporation dissolved, the property and materials alone would pay the debt: so that a foreclosure of the Mortgage and sale of the Road, would either pass the Road to a few capitalists for a small part of its value, and destroy the Stock owned in it by the State, or the State would have to buy it by bidding more than the debt, which is against public opinion, if not against the public weal. Besides, if the State bought the Road the debt would remain, and North Carolina would have to borrow the amount of her purchase.

There are two capital mistakes in the Acts heretofore passed for lending the credit of the State to this and other corporations: 1st. No part of the loan was laid aside for accumulation to sink the principal debt. 2nd. No provision was introduced in the Mortgage for selling without a suit, nor for foreclosing, until after the debt had become due to the creditors, and the State had been obliged to provide ways and means to pay the debt. Fortunately, it is practicable to correct this with the corporation, by extending the credit upon new terms; and the debt is so much below the value of the Road, as to make it desirable to do that simply as a relief to the State finances. It will not be considered an objection to new Legislation, that the State, by adding fresh indemnity for the public interest, happens to benefit her citizens also. Thus: In substitution of the above loan of $250,000, (at this time outstanding) let the Company be empowered to make a new loan, guaranteed by the State, (or let the State make the loan and charge it to the Company) for the sum of $350,000, redeemable after January, 1867, bearing interest as heretofore, at 6 per cent. per annum: Provided, that $250,000, part thereof, be paid to the aforesaid outstanding debt, whereof the $50,000 paid into the *Treasury*, shall be used by the Treasurer to ex-

tinguish the Bank Debt; and provided also, that the remaining $100.000 be paid into the hands of a *State* Commissioner, to accumulate as a sinking fund to pay off the Principal of the said Loan of $350,000 in 1867, or after it. The Rail Road Company will in that case, pay out of the profits of the Road semi-annually, the interest, (*i. e.* $21,000 per year) and this it can do to a reasonable certainty. The sinking fund would accumulate before January, 1867, to $321,128 31. If the loan is extended to 1869, the $100,000 would sink the whole debt, and some $80,000 over. [See calculations on last page.]

This does not increase the liability of the State for the Company. The additional $100,000 is to be paid to a *State* Commissioner, to sink the principal; and in fact, it will be obliging the Company to use their present credit to provide a fund to discharge this debt. There is no better way of using a part of the income of a Rail Road to discharge a debt, than this—none so safe to the *guarantor*, provided he himself is to keep the sinking fund. These results are as certain as mathematics.

2d. The mortgage taken upon this loan to secure the State, must authorize a foreclosure and sale for the payment of the *whole* debt into the Public Treasury—not merely upon default in paying said debt or interest, but at any time when the General Assembly shall direct it, provided the Company shall have a year's notice. But upon a declared pledge that the General Assembly will not order the foreclosure, unless there should be in their opinion a reasonable probability of default, or unless there has been a failure in the Company to pay the interest on said debt of $350,000; and in this latter case, no notice should be required, and no suit required to foreclose and sell.

3d. Declare by the law, that the equity of redemption in said Road shall not be liable to sale by execution at law, so as to prevent posterior creditors from imposing embarrassments upon the State; and because North Carolina should never permit property wherein the State

is a share-holder, to be sold without applying to the Legislature as well as the Courts. It were not a difficult thing to show that this is very necessary to protect the State interest in this Company: and this change alone would be worth more than the additional risque of the guaranty under the present scheme.

It is true, that all this would be some aid and relief to the *Company;* but independent of that, it is wise in the State, merely as a share-holder of 2-5ths of the stock. What will be its operation? The stock is now without a price, and would not sell at all. But once let the Company be in a condition to make a dividend, and the effect will be magical. Even a small dividend of one per cent. would be doing a great deal to revive the credit of this enterprize, and add $6,000 per year to the revenues of the State. It is confidently believed by the managers of the Road, that this would be the effect in a single year, and that after that year a larger dividend would be from 1 to 2, and thence to 3, 4 and 5 per cent.

Perhaps it might be a wise precaution to amend the charter of this Rail Road Company, so as to tax each share of stock therein 12½ cents per year, until said debt is paid off, and let that tax go into the State Commissioner's hand, to increase the sinking fund. This would be a certain means of sinking the debt. By computation, such a tax would, by being allowed to accumulate with the sinking fund, increase it about $70,000 in January 1867. And if there should be a dividend of only 25 cents on the share, or ¼ of one per cent. it would pay the tax. The existence of such a tax would stimulate the Company to practice economy, in order to pay this *tax* out of the *profits* of the Rail Road, or in other words, to save a dividend every year.

Remarks. In order to ascertain how far it is probable the Company may or may not be able to prosper under this arrangement, look at their income and see what it is. If it will suffice to pay $21,000, (the interest on the $350,000,) the State will be secure, and the debt will be

extinguished by the sinking fund itself, and without a sale of the Road. If it will suffice to pay the $21,000, and also the interest that will accrue upon their *other Debts*, the operation will be still more secure, as it must enhance the *State Stock* more than the whole sum of $350,000—perhaps a half milion of dollars. If it will suffice to do all this and pay a dividend, the credit of the enterprize will be at once re-established, and the State, by this extension of credit, will be realizing *thousands* and hundreds of thousands, both to the Public Treasury and her own citizens, by increased value of stock, without the cost of a dollar and without adding to her present liabilities for the Company. Indeed, it is believed, this plan (if accepted by the corporation) will increase the State's security for indemnity, without adding a cent to her responsibilities.

This is not a question, whether the State shall go into these liabilities. They are already incurred. The true question is how shall they be managed. Were it a matter of business between two individuals, where one had high credit and the other had not, (associated with this Road as the State is by form or legislation,) a prudent man would not hesitate to modify the existing liabilities, &c. after the manner of the foregoing suggestions or something like it, and if he did, the whole world would pronounce him penny wise and pound foolish.

The State owns 2-5 of the Road, and does not wish to get the ownership of more nor to loose the $600,000 already invested in it. If without any increase of her liabilities, she can secure the *probability* of adding some increased value to the Stock, it ought to be done without regard to the individual Stockholders, and refusing to do it would be a neglect of duty by the Legislature. The proposed modification of her present suretyship for the $250,000, will be no addition to the State's *risque*, for altho' the Company borrow $100,000 more, *the whole of it* is to go into the hands of the State, as a sacred fund, to accumulate and pay off the $350,000. 2d. In the meanwhile,

the Company pays the Interest, so that the debt cannot increase. 3d. Instead of being obliged to pay the debt and foreclose the mortgage afterwards, as the present contract is, the Legislature will hereafter be empowered upon 12 months notice, or upon a default to pay the Interest, to proceed upon the mortgage. 4th. Instead of leaving the public interest of $600,000 in the stock liable (as it is now,) to be divested by a sale under execution for 1000 dollars, through process against the equity of redemption, it will, by this arrangement, no longer be liable to sale and sacrifice, &c. &c.; and before posterior creditors can thus embarrass the public interest, the Legislature will have to be consulted, and such proceedings in the particular case can be authorized as may be consistent with individual right, but without an abandonment of the property or rights of the State. These topics might be enlarged upon and explained, but it will be sufficient to allude to them for the present.

A Rail Road richly worth one million of dollars, and yielding a clear income, sufficient to pay 6 per cent. may, under our law, be insolvent and sacrificed for a debt of $200,000, so long as the law remains unchanged. It ought not to be so. Undeniably, the State Legislature should not suffer it to be so, *when* she owns Stock in it. It is easy to provide in such cases, for the rights of the creditor, without abandoning the interest of the public, to the cupidity or necessity, or fraudulent combination of individual creditors.

For Example: Suppose an execution were issued against the Rail Road for $500, and the equity of redemption sold and purchased by a private company, (it might be the private or individual stockholders,) the purchasers would hold the Road, &c. and need only to pay off the mortgage debt of $250,000 to become owners free of all the other *creditors*, whose debts are not due and payable until a future day, and *the whole stock of the State would be lost.* So long as the State is a stockholder, the Legislature ought to forbid any such sales

by execution. State property ought not to be liable to sale, without the express direction of the people's representatives; and waiving all enquiry into the facility of preventing such a law, so as to throw the loss on the State alone, by any fraudulent or unfair arrangements, it is enough to remark, that so long as matters remain in their present position, and this law remains unaltered, a few capitalists might associate themselves together and buy the equity of redemption in this Road, and upon tendering the $250,000 in satisfaction of the State's mortgage, (it is understood.) that they would become owners of the whole property, discharged of all other debts and of all claim by the State or individuals as stockholders. There are not to be found any where a like number of individuals, who would be less apt to do an unfair or dishonorable act, than the proprietors of stock in this Road would for the purposes of gain. But suppose the State refuses to lend reasonable assistance towards protecting her own interest as a stockholder, and the Rail Road is sold, simply because North Carolina will not agree to postpone the time of paying this debt for which the State is already a surety—will not individual proprietors thereby be driven to the necessity of forming another association for the purchase of the Road, sooner than lose the stock held by them as co-partners with the State? Does not such a policy compel them in self defence to resort to such plans as may be lawful for the protection of their interest? And would it be wise to sell this road for the debt of $250,000, when it is worth so much more, and when the income is so much greater than the interest, whilst the State is unwilling to buy it at its full value, and borrow the money to pay for it?

It is believed that there is not a Rail Road in the United States, and certainly there is not one in the Southern States, which would not be sold and sacrificed, if the creditors pursued this harsh course towards them. They preserve their credit by paying the interest of their debt, and uphold the value of the stock by mak-

ing dividends. In time, they will be able by degrees to satisfy the principal of their debts also. But withdraw their credit from them, and a debt of one-tenth of the value of the Road will force it into market, and the stockholders become forthwith divested of millions, and the more indulgent creditors will lose their demand.

Nothing has been said about the debt due the Literary Fund, as it has been understood from the President of the Board, that it was considered a desirable investment —that if the money was paid in, it would have to be invested elsewhere—provided the Legislature should be satisfied the security was sufficient, which consists in a mortgage of all the property of the Company, the value of which has been already shewn to be ample. But if the Legislature should think otherwise, now is the time to provide for it.

It may be asked, why have the Bonds endorsed by the State been suffered to lie over and thrown on the State for payment? It may be answered with perfect sincerity, that the Company, apprehensive of such a result, if their application could not be granted by the Legislature, which was for an endorsement of $400,000, the amount of the indebtedness of the Company at that time, not provided for, on *long credit*. The Legislature deemed it proper, however, to grant only $300,000, on *short credit*; and the Company was compelled to accept what the Legislature was pleased to grant, and do the best they could—the time of payment commencing with the following January, which left debts unprovided for to the amount of $100,000, due to contractors and others, generally pushed themselves, and were consequently compelled to press the Company. The Company was sued in many directions, and executions obtained by the time the Bonds which became due first, in the year they were issued, and before the work was completed. Yet, with great exertions and strong solicitations to many persons who held these executions for delay, these Bonds were paid in preference. The necessities of the people

were so great, that the executions in the next year were pressed for payment so pertinaciously, that the Company was compelled to pay them, or suffer the redemptionary interest sold, which was frequently threatened, and probably advertised. The payment of these debts disabled the Company from meeting the Bonds which became due in the next year, and by a succession of losses, and great prostration of the business of the Country, they have not been able to pay any of these Bonds since, except by renewal. The time of payment of these renewed bonds were made so short, that the Company, in all probability, will not be enabled to pay them, and therefore propose the foregoing scheme of a sinking fund for that purpose.

Fifty thousand dollars are due on the first day of January next, ensuing, which render it necessary to obtain the aid of the Legislature as early as possible, to afford time for printing the Bonds and making sale thereof.

I have adverted to the losses of the Company, which consist in the sinking a Steam Boat at sea, by coming in contact with another; and by the fire of 1843, by which the Company was deprived of property indispensable, and has been replaced, to the amount of $170,000 to $180,000; and in the mean time, they have paid off the principal of their debt, nearly $100,000, and all the interest, which has placed the Company in the situation to be within the power of the Legislature to let them *sink or swim.*

$100 COMPOUNDED.

January 1848,		$100
1849,	106	
1850,	112 36	
1851,	119 09	
1852,	126 23	
1853,	133 80	
1854,	141 82	
1855,	150 32	
1856,	159 34	
1857,	168 89	
1858,	179 02	
1859,	189 76	
1860,	201 14	
1861,	213 20	
1862,	225 99	
1863,	239 55	
1864,	253 92	
1865,	269 15	
1866,	285 29	
1867,	302 40	
1868,	320 52	
1869,	339 75	
1870,	360 13	

Of course $100,000 will be in 1870, $360,630.
in 1866, 285,290.
in 1867, 302,400.

REPORT

OF

THE COMMITTEE

ON

INTERNAL IMPROVEMENT,

ON THE BILL

To improve the Navigation of the

YADKIN RIVER.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

REPORT.

The Committee on Internal Improvement, to whom was referred the Bill "To improve the Navigation of the Yadkin River," have had the same under consideration, and have instructed me to report back the Bill to the House, and recommend its passage with the following amendment: Strike out the word "*seven*" in the fifth line of the 9th section, and insert the word "*five.*"

Respectfully submitted,

K. RAYNER, Chairman.

A BILL

To Improve the Navigation of the Yadkin River.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to open books of subscription, at Lexington, under the direction of J. P. Mabry, Jesse H. Hargrave, and Joseph H. Thompson, or any two of them; at Salisbury, under the direction of John J. Shaver, William S. McCoy, and Joseph F. Chambers, or any two of them; at Mocksville, under the direction of Braxton Baley, Lemuel Bingham, and Alexander Hanes, or any two of them; at Huntsville, under the direction of Richard C. Puryear, Nicholas L. Williams, and Francis Clingman, or any two of them; at Rockford, under the direction of Francis K. Armstrong, Mark York, and James R. Dodge, or any two of them; at Wilkesborough, under the direction of Sidney Stokes, Anderson Mitchell, and William Waugh, or any two of them, for receiving subscriptions for improving

the navigation of the Yadkin River, to an amount not less than thirty thousand dollars, nor more than three hundred thousand; which subscription shall be made personally, or by power of attorney, in shares of fifty dollars each: That the said books shall be opened on the first day of February next, and be kept open till the first day of May next, inclusive, and on the second Monday of the said month of May, there shall be a general meeting of the subscribers at Lexington aforesaid, and the managers aforesaid, or any three of them, shall give notice of such meeting in one or more papers published in the town of Salisbury, one month, at least, before the day appointed for that purpose, and such meeting shall be continued, from day to day, until the business is finished; and the managers aforesaid, shall then and there lay before such meeting the books kept by them, containing a statement of said subscription; and if the sum of three hundred thousand dollars aforesaid, shall not have been subscribed, then the meeting aforesaid, or a majority thereof, if they think proper, may direct any three of the managers aforesaid to continue to receive subscriptions of stock, at such times and places as may be designated by said meeting, until the said sum of three hundred thousand dollars shall have been subscribed, or such other sum over and above thirty thousand dollars as said meeting may specify: *Provided* the same does not exceed three hundred thousand dollars. And the President and Directors, to be constituted as hereinafter provided, shall immediately after the said first meeting, and afterwards, from time to time, as often as the same shall, by new subscriptions, become necessary, make a list of the subscribers, with the sums subscribed by each person, and return the same under their hands, or under the hands of any three of them, to the office of the Secretary of the State of North Carolina, there to be recorded.

§ II. *And be it further enacted.* That in case six hundred shares or more of said capital stock, shall be subscribed as aforesaid, the subscribers, their heirs or assigns, from the time of the first said meeting, shall be, and they are hereby declared to be, incorporated into a company, by and under the name of "*The Yadkin Navigation Company,*" and may sue and be sued as such; and have and use a common seal, and such of the subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required, to elect a President and four Directors, for managing all the business of said company, for and during such time, (not exceeding one year,) as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share of stock held by him or her at the time, in said company; and any proprietor by writing, under his or her hand, executed in the presence of at least one subscribing witness, and acknowledged or proved before a Justice of the Peace, may depute any person to act as proxy for him or her at any general meeting, and the presence and acts of such proxy shall be as effectual, to all intents and purposes, as the presence or acts of his or her principal, could or might be.

§ III. *Be it further enacted,* That the stockholders of said company shall hold a general meeting annually, on the second Monday in May of each year, at which general meeting they shall elect a President and four Directors, to supply the places of those who may have held said positions in the preceding year; and it shall be in the power of the President and Directors, or a majority of them, in case of the death or resignation of one of their own number, to call a general meeting of stockholders to supply the vacancy, and to call general meetings of stockholders at such

other times as they may think the business of the company requires, and at such places as they, or a majority of them, may think fit; and in all such general meetings, the holders of a majority of the stock shall form a quorum to do business, except at the annual meeting aforesaid, when the holders of one hundred shares of stock shall form a quorum to elect a President and Directors, but for no other purpose: and should not the holders of one hundred shares of stock be present at such meeting, the President and Directors, or a majority of them, shall adjourn said meeting from day to day, until such number shall be present.

§ V. *Be it further enacted*, That the President and Directors, and their successors, or a majority of them, assembled, shall have power and authority, to agree with any person or persons, on behalf of the company, to open and improve the navigation of the Yadkin River, from the town of Wilkesborough to the South Carolina line, by canal, locks, or sluices, from place to place, and from time to time, upon such terms as they shall think fit; and out of the said capital, or other monies of the company, pay for making and repairing all works necessary for the said navigation, and also for building boats and employing hands for the purpose of navigating said river; and, also, to appoint a Treasurer, Clerk, and all such other officers, managers, and servants, as they shall think requisite; and also to agree for their wages, settle and pass their accounts, and at their pleasure to remove all or any of them, and appoint others in their place; and also to establish rules of proceeding, and generally to transact all the business of the company in the intervals between the general meetings of the same; and any general meeting of the proprietors may allow the said President and Directors such sum of

money as the said general meeting may think a reasonable compensation for their trouble.

§ V. *And be it further enacted*, That the stock shall be paid in such proportions. and at such times as may be determined by any general meeting of the Stockholders, and to such officer of the company as may be appointed to receive the same, one month's previous notice of the amount and time of making the payments being given in some one newspaper published in the town of Salisbury, and if any of the subscribers, their heirs or assigns, shall fail to pay their proportions required within one month after the same is so advertised, the President and Directors, or a majority of them, may sell at auction and convey to the purchasers the shares of the subscribers so failing, giving at least one month's notice of the sale in some newspaper in the town aforesaid, and after retaining the sum due, together with the interest thereon and charges of sale out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owners; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with interest and incidental charges, the said President and Directors, or a majority of them, may, in the name of the Company, sue for and recover the balance by motion in any Court of competent jurisdiction, on ten days previous notice; and the said purchaser, or purchasers, shall be subject to the same rules and regulations, and entitled to the same profits and privileges, as if the sale or conveyance had been made by the original proprietor.

§ VI. *And be it further enacted*, That said canals, locks, and every work and thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be, and they are hereby vested in the said proprietors, their heirs and as-

signs forever, as tenants in common, in proportion to their respective shares; and they shall, in like manner, for the space of thirty years, be entitled to an exclusive right of way over said river, to construct boats, build ware-houses, and carry on the business of transportation, both up and down said river, to the exclusion of all others, for the time above specified, they not being permitted, however, to charge on any articles thus transported, more than fifty cents per hundred pounds for every hundred miles by water, or at the rate thereof, if the distance be less than one hundred miles.

§ VII. *And be it further enacted*, That said company shall have no power to condemn, or to appropriate contrary to the will of the proprietors thereof, any land lying without the channel of said river, but shall be permitted to purchase, and to hold such quantities as may be necessary to use in cutting canals and building ware-houses upon, and keeping up the same.

§ VIII. *And be it further enacted*, That it shall and may be lawful for every proprietor to transfer his or her share or shares of stock, by deed executed before one or more witnesses, and registered after proof of the execution in the company's books, and not otherwise, except by devise: *Provided*, that no transfer shall be made, except for one or more whole shares.

§ IX. *And be it further enacted*, That in case the said company shall not complete the navigation so as to admit the safe passage of boats drawing eighteen inches water through the same, within five years from the passage of this act, then the privileges herein granted shall be forfeited: *Provided*, That said company may not, if they choose, render the said river navigable, at any time, higher up the same than

Rockford, in Surry County, or lower down than the Trading Ford, in Rowan County; and still all the privileges and immunities herein granted, shall continue to them on that part of the river, between the two points aforesaid.

§ X. *And be it further enacted*, That all laws, and clauses of law, coming in conflict with this act, be, and the same are hereby repealed.

REPORT

OF THE

JOINT SELECT COMMITTEE,

ON THE SUBJECT

OF RE-DISTRICTING THE STATE.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE.

1846.

REPORT.

The Joint Select Committee to whom was referred the Bill "to repeal an act, entitled an act to amend an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes, chap. 72, and for the purpose of securing a just and proper division of the State into Congressional Districts, have considered the same, and beg leave to

REPORT,

That after a careful examination of the subject, the Committee are satisfied that the bill referred to them is right in principle and just in its details; and they recommend that it be passed into a law. As a proposal to re district the State during the period for which an allotment of Representatives has been made, is for the first time to be considered in this State; as the proposed measure is one of no little importance, and as doubts have been entertained by some, as well in respect to the power as the necessity of resorting to such a course, the Committee propose to submit, as briefly as possible, their views as to the power, the propriety of exerting it in the present instance, and the fitness of the provisions contained in the bill.

The *power* of the General Assembly to re-model the Districts, may, in the judgment of the Committee, be easily demonstrated. The whole authority of State legislation over this subject, is conferred by the first clause of the fourth article of the Constitution of the United States, in these words: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law, make or alter such regulations, except as to the places of choosing Senators." Whatever power is conferred by this clause, as to the "times and places," is conferred also as to the "manner" of holding elections, without any difference or qualification in respect of either. If the power once exerted by the Legislature is gone for ten years, as to the manner, so also is it as to the times and places; and if regulations once made, may be altered in the ten years as to any one of these particulars, so may they be altered as to the others. The grant to the Legislature is of one power, embracing these particulars, and if one exertion of it exhausts that power as to one of these particulars, so must it inevitably to all. They, therefore, who maintain that the Legislature cannot alter the manner when once regulated by law, must also maintain that the times and places once fixed, are also unalterable—and if so, that during a period of ten years the day or the place of holding a separate election in any County cannot be altered. But it is admitted by all, that the times and places of holding elections may be altered from time to time, as the wisdom of the Legislature may decide; and the admission of this must imply that the manner may be altered also. Without, therefore, offering any of those general arguments, or referring to the precedents by which the power is established, the Committee deem it sufficient to submit the view here taken, by which those who deny the power, are reduced to the necessity of maintaining a plain absurdity, or of resisting the common consent and general practice of the whole country for half a century.

Whether the power so demonstrably possessed should be exerted, depends upon the enquiry, whether the existing allotment is calculated to give to the public sentiment of the State a fair expression, or was calculated and designed to produce a contrary result. The Committee hold that all representative republican government is based upon the position, that the people ought to govern; and when the people are divided in opinion, the voice of a majority expressed fairly, and in pursuance of the forms of the Constitution, shall be obeyed as the judgment of the whole. Certain exceptions exist, not necessary to be here considered, and in these, other elements are introduced from motives of political expediency. But in regard to choosing Representatives to Congress by Districts, it is manifest that it was designed to give in the House of Representatives of the United States, a just expression of the opinions and wishes of the people. This result can only be attained by allotting the States into Districts, founded on the triple consideration of compactness of territory, community of interests, and equality of numbers. When these considerations are, with the nearest approach to exactness, duly consulted and combined, the allotment becomes just, fair, and consistent with the principles of our government and the rights of the people; and so far as these considerations are disregarded, in any allotment, so far does such allotment become unjust, and inconsistent with those principles and those rights. And if this departure be designedly made for the purpose of defeating the just ascendency of a majority, and of elevating a minority to the governing power, it is a fraudulent effort to subvert the very principles on which our free institutions rest, and is justly liable to severe reprobation. To apply these positions to the present allotment under the act of '42–'43, the first fact which strikes the Committee is, that while the people of the State have not only in the elections of President and Governor, but also for Members of Congress, on two occasions since the present allotment was made, cast decided popular numerical majorities for one politi-

cal party, the other, though clearly in a minority, has succeeded in securing the major part of the Representatives in Congress. Has this been an accidental result? An inspection of the map of the State, and a mere glance of the shape and component parts of the present Districts, answer this question in the negative. Districts appear of the most inconvenient length, with just breadth enough to meet literally the requisition of the act of Congress, that they shall be composed of contiguous territory—bringing together portions of the people of the State, not only without similarity of pursuits and community of interests, but almost entirely without intercourse or acquaintance with each other—districts so singularly constituted, with such a total disregard of convenience, compactness, and mutuality of interests, as forces upon the mind the conviction, that the leading motive of the whole arrangement was to suppress the voice of the true majority of the people, and give to a minority the power of expressing in the National councils, the political voice of the State. Indeed, if any one will make the experiment, free from all political bias, he will find it impossible to allot the territory of the State into nine Districts, a majority of which shall elect representatives entertaining political opinions of the party, which the successive elections before referred to prove to be in a decided numerical minority—unless he makes that the main object of the allotment, and utterly disregards those other leading considerations which should prevail in the adjustment. If compactness of territory and similarity of interests alone be regarded—if both be considered—the formation of a majority of Districts, entertaining political opinions consonant with the wishes of the political numerical majority of the people of the State, must be the result. It therefore appears to the Committee, that the present allotment was skilfully contrived, with the one leading purpose of giving a majority of the Representatives from the State to a minority of the voters, and that to accomplish this purpose, every conside-

ration which should properly have entered into the allotment was totally disregarded by its framers.

If this be so, it follows, not only that the Legislature *may* rightfully change the present arrangement of the Congressional Districts of the State, but that it is absolutely bound to do so. If it be said that a change of the law is an innovation which will work an evil, the Committee would ask, will it work a greater evil than a permitted subversion of the principles of our government? If it be said that we propose to set an example of unsettling regulations which ought to be permanent, we answer that unjust regulations ought not to be permanent, and that no example can be worse than that which would give permanent success to a wilful attempt to disinherit a majority of our people of their undoubted rights as American citizens. And the Committee answer further, that it is one of the greatest benefits that our system of government secures to us, that laws are not unalterable —that the people, through their representatives, have power to alter or repeal bad laws, and to substitute or make wise and just ones, and that blame in such cases is not to be attributed to those who work the change, but to those, who by their mischievous legislation, make the change necessary.

Upon a calm consideration of the whole question, the Committee are clearly of opinion that it is the duty of the General Assembly to alter the present arrangement of the Congressional Districts—that a fair representation of the people of the State requires such alteration—and that not to make such alteration would be to disappoint the just expectations of the people, and exhibit a culpable inattention to the value and permanency of our republican system.

Of the particular plan embodied in the bill, which the Committee recommend to the favorable consideration of the House, the Committee deem it necessary to say but little, as it speaks for itself. It is a just and fair allotment of the State into Districts—keeping in view the

nearest possible combination of the three great leading considerations of compactness of form, community of interests and equality of numbers. It is, of course, impossible that all these objects can be *exactly* accomplished; but the Committee believe that as near an approach has been made to it as is practically attainable, considering the size and geographical form of our State, its diversity of pursuits, and the number of Representatives to which we are entitled. The Committee is also of opinion that the allotment proposed in the bill will give a fair expression of the political opinions of North Carolina in the House of Representatives of the United States. And in recommending its adoption, your Committee are influenced by no unworthy design to secure undue political power to a party, but by a sincere conviction, that the plan proposed is in accordance with the proverbial integrity, honesty and justice, of the people of the good old North State.

Respectfully submitted,

K. RAYNER, *Chairman.*

CONGRESSIONAL DISTRICTS

As proposed in the plan submitted by the Committee.

Federal population of the whole State,	655,375
Ratio of representation under act of Congress,	70,680
Nine Districts,	9
Deducted from whole federal population of the State,	636,120
Surplus to be distributed,	19,255
Federal population of the whole State, as above,	655,375
Divided by 9,	9)655,375
Ratio of federal population to each District,	72,819

DISTRICT NO I.

Cherokee,	3,347
Macon,	4,722
Haywood,	4,853
Buncombe,	9,604
Henderson,	4,943
Rutherford,	13,920
Burke, (including McDowell,)	10,513
Yancy,	5,860
Cleveland,	6,626
Caldwell,	5,000
	69,388

DISTRICT NO II.

Ashe,	7,269
Wilkes,	11,005
Surry,	14,368
Davie,	6,819
Rowan,	10,763
Iredell,	14,199
Catawba, (estimated,)	10,190
	74,613

DISTRICT NO. III.

Lincoln, (estimated,)	10,190
Mecklenburg, (including Union,)	15,744
Anson,	12,955
Stanly,	4,709
Cabarrus,	8,387
Montgomery,	5,077
Richmond,	7,357
Moore,	7,399
	71,818

DISTRICT NO. IV.

Stokes,	15,192
Rockingham,	11,613
Guilford,	18,116
Randolph,	12,312
Davidson,	13,591
	70,824

DISTRICT NO. V.

Granville,	15,334
Caswell,	11,883
Person,	8,050
Orange,	21,574
Chatham,	14,116
	70,957

DISTRICT NO. VI.

Wake,	17,920
Franklin,	8,852
Warren,	9,639
Halifax,	13,103
Edgecomb,	12,732
Nash,	7,568
Johnston,	9,208
	79,022

DISTRICT NO. VII.

Cumberland,	13,127
Robeson,	9,216
Columbus,	3,507
Bladen,	6,657
Brunswick,	4,417
New Hanover,	10,762
Sampson,	10,387
Duplin,	9,311
Onslow,	6,431
	73,815

DISTRICT NO. VIII.

Wayne,	9,422
Greene,	5,407
Lenoir,	4,132
Jones,	3,818
Craven,	11,157
Carteret,	6,047
Beaufort,	10,436
Pitt,	9,547
Hyde,	5,579
Washington,	3,834
Tyrrell,	4,093
	73,472

DISTRICT NO. IX.

Martin,	6,511
Bertie,	9,484
Hertford,	6,165
Northampton,	10,665
Gates,	6,704
Chowan,	5,224
Perquimans,	6,169
Pasquotank,	7,399
Camden,	4,999
Currituck,	5,863
	69,183

A BILL

TO

REPEAL AN ACT,

ENTITLED

"*An act to amend an act, entitled an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes, chapter 72,*" *ratified the 17th day of January, A. D. 1843, and for the purpose of securing a just and proper division of the State into Congressional Districts.*

BILL.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to amend an act, entitled an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes, chapter 72," be, and the same is hereby repealed.

§ II. *Be it further enacted,* That the third section of the act, chapter 72 Revised Statutes, be, and is hereby so altered and amended, for the purpose of electing Representatives to the Congress of the United States, as to divide the State into nine, instead of thirteen Districts; and the said nine Districts shall be composed of the following Counties, to-wit: The first District shall be composed of the Counties of Cherokee, Macon, Haywood, Buncombe, Henderson, Rutherford, Burke, McDowell, Yancey, Cleaveland and Caldwell; the second District shall be composed of the Counties of Ashe, Wilkes, Surry, Davie, Rowan, Iredell and Catawba; the third District shall be composed of the Counties of Lincoln, Mecklenburg, Union, Anson, Stanly, Cabarrus, Montgomery, Richmond and Moore; the fourth District shall be composed of the Counties of Stokes, Rockingham, Guilford, Randolph and Davidson; the fifth District shall be composed of the Counties of Granville, Caswell,

Person, Orange and Chatham; the sixth District shall be composed of the Counties of Wake, Franklin, Warren, Halifax, Edgecomb, Nash and Johnston; the seventh District shall be composed of the Counties of Cumberland, Robeson, Columbus, Bladen, Brunswick, New Hanover, Sampson, Duplin and Onslow; the eighth District shall be composed of the Counties of Wayne, Greene, Lenoir, Jones, Craven, Carteret, Beaufort, Pitt, Hyde, Washington and Tyrrell; the ninth District shall be composed of the Counties of Martin, Bertie, Hertford, Northampton, Gates, Chowan, Perquimons, Pasquotank, Camden and Currituck.

§ III. *Be it further enacted*, That the eighth section of said act, chapter 72, Revised Statutes, shall be, and the same is hereby amended, as to make it the duty of the Sheriffs, or other returning officers of the Counties of each of the said Districts, to meet together on the Thursday next after each election, to compare the polls at the places hereinafter named, but in other respects under the same rules and regulations as are required by said act: that is to say, in the first District at the Court House in Asheville, in the County of Buncombe; in the second District at Hamptonville, in the County of Surry; in the third District at the Court House in Albemarle, in the County of Stanly; in the fourth District at the Court House in Greensborough, in the County of Guilford; in the fifth District at the Court House in Hillsboro', in the County of Orange; in the sixth District at the Court House in Nashville, in the County of Nash; in

the seventh District at the Court House in Elizabeth-town, in the County of Bladen; in the eighth District, at the Court House in Washington, in the County of Beaufort; and in the ninth District at the Court House in Gatesville, in the County of Gates.

§ IV. *Be it further enacted*, That this Act shall take effect from and after the fourth of March next.

A BILL

CONCERNING

THE SUPREME AND SUPERIOR COURTS,

And for the more speedy and certain administration of Justice therein.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Supreme Court shall hereafter consist of all the Judges, as well those commissioned as Judges of the Supreme Court, as those commissioned as Judges of the Superior Courts

of Law and Courts of Equity: and that the said Judges and their successors in office, or any five of them, shall have power to hold the said Court, with all and every jurisdiction, power, privilege and authority, now by law possessed by the said Court, or the Judges thereof: That the present Judges of the Superior Courts shall hereafter receive each a salary of two thousand two hundred and fifty dollars, to be paid quarterly, in the manner and on the days specified in the first section of the Revised Statutes, entitled, "Salaries and Fees;" and all Judges hereafter appointed shall receive a like salary: That the first vacancy which shall happen by death or otherwise, amongst the present Judges, shall not be filled, but from and after such vacancy the number of Judges shall be reduced to nine.

§ II. *Be it further enacted*, That the State shall be divided into nine Judicial Circuits.

§ III. *Be it further enacted*, That the Superior Courts of Law and Courts of Equity shall hereafter be held by all the Judges in manner following: The Circuits shall be classed as follows: the first, second and third Circuits, shall form a first class; the fourth, fifth and sixth Circuits, shall form a second class; the seventh, eighth and ninth Circuits, shall form a third class. At the first term of the Supreme Court which shall be holden under this act, it shall be the duty of the Judges by an order of Court to allot three of their number to each of the said classes; and the Judges so allotted to any class of

Circuits, shall ride the Circuits composing the same, and hold the Courts therein as may be arranged between them, so that no Judge shall ride the same Circuit twice in succession. And so long as the said Supreme Court shall consist of ten Judges, the said Court shall make such order that the Judge not allotted to any class of Circuits, shall in turn ride one or other of the Circuits, so that the exemption from Circuit duty arising from there being more Judges than Circuits, may be afforded to each Judge in due rotation.

§ IV. *Be it further enacted*, That the Judges, from and after this Act shall go into operation, shall have like and equal powers and authority; shall each have all the powers now by law given to and possessed by Judges of the Supreme Court, and Judges of the Superior Courts of Law and Courts of Equity; shall be styled in all proceedings in the Supreme Court, "Judges of the Supreme Court," and in all proceedings in the Superior Courts, shall be styled "Judges of the Superior Courts of Law," or "Judges of the Courts of Equity," as the case may be; and all Judges hereafter appointed, shall be commissioned "Judges of the Supreme and Superior Courts."

§ V. *Be it further enacted*, That this Act shall go into operation and take effect, from and after the first day of June next.

§ VI. *Be it further enacted*, That from and after this Act shall go into operation, the fourth section of

the Revised Statutes, entitled "An Act concerning the Supreme Court," and all laws inconsistent with this Act, or for which this Act has made another provision, and also all laws and clauses of laws, allowing to Judges extra compensation for holding special terms of the Superior Courts, shall be, and the same are hereby repealed.

A BILL

TO PROVIDE

For the Apprehension of Runaway Slaves,

IN THE

GREAT DISMAL SWAMP,

AND FOR OTHER PURPOSES.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL.

WHEREAS, many Slaves belonging to persons residing or having plantations in the neighborhood of the great Dismal Swamp, have left the service of their masters, and taken refuge in the said Swamp, and by the aid of free persons of color and of white men, have been and are enabled to elude all attempts to secure their persons and reduce them again under the just authority of their masters, and there consorting with such white men and free persons of color, they remain, setting at defiance the power of the masters, corrupting and seducing other slaves, and by their evil example and evil practices, lessening the due subordination and greatly impairing the value of slaves in the district of country bordering on the said Great Dismal Swamp. For remedy whereof,

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That each and every person who shall design to employ, or permit to be employ-

ed in the said Dismal Swamp, any slave of which he or she shall be the owner, or shall have the care, use, or management, shall, before so employing or permitting such slave to be so employed, produce, or cause to be produced, the said slave before the Clerk of the Court of Pleas and Quarter Sessions of the County in which such slave is so to be employed, and the Clerk shall, upon his personal examination of such slave, prepare an exact description of the said slave, specifying therein the name and residence of the owner, manager, hirer, or person having the care and superintendence of such slave, the name of the slave, his or her height, complexion, and every peculiar mark or description by which such slave may be most effectually known and identified; and such written description shall be entered upon a book by him to be kept for that purpose, and shall forthwith make out and deliver to the owner, manager, hirer, or person having such care and superintendence, a fair and true copy thereof, without any interlineation or erasure, certified under his hand and the seal of the Court; and the owner, manager, hirer, or other person aforesaid, shall, before employing such slave, or permitting such slave to be employed in the said Dismal Swamp, deliver such copy to him or her, to be kept about his or her person. And if any owner, manager, hirer, or person having the care and superintendence of any slave, shall employ, or permit, or suffer such slave to be employed in the said Swamp, without procuring and delivering to such slave such copy as aforesaid, or shall otherwise offend against the provisions in this section contained, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be

fined and imprisoned at the discretion of the Court having cognizance thereof.

§ II. *Be it further enacted*, That no free person of color shall work or employ himself in the said Swamp without having gone before the Clerk of the proper Court, and caused a description of himself to be taken and registered in the manner prescribed by the foregoing section, and keeping and having ready to produce the copy of such description certified by the Clerk as above directed. And any free person of color found employed in working in the said Swamp without such copy, shall be deemed guilty of a misdemeanor, may be arrested and committed, or bound over to the next Court of the County, in which he may be so found, and on conviction thereof, may be punished by fine, imprisonment, and whipping, all or any of them, at the discretion of the Court.

§ III. *Be it further enacted*, That if any slave shall be found employed or working in the said Swamp, without such copy as is prescribed in the first section of this Act, such slave may be arrested by the person or persons finding him or her, and upon being taken before a Justice of the Peace, shall be sentenced to receive thirty-nine lashes on his or her bare back, and the person or persons arresting such slave, shall be entitled to demand and have of, and from the owner, hirer, manager, superintendant, or person having the use of such slave, the sum of twenty-five dollars, and may recover the same by warrant, before any Justice of the Peace, or may proceed against such

slave as a runaway, according to the laws directing the disposition of runaway slaves, and cause such slave to be detained in custody until the said sum of twenty-five dollars and all other charges, shall have been paid.

§ IV. *Be it further enacted*, That if any slave, or any free person of color, having obtained, or having in his possession any such certified copy as above mentioned, shall in said Swamp consort with or work, or be employed in company with any runaway slave, or any slave not having such copy, such slave or free person of color shall be deemed guilty of a misdemeanor, and shall be punished therefor, the slave, by order of any Justice of the Peace, by thirty-nine lashes, on his or her bare back, and the free person of color, upon conviction in any Court having jurisdiction thereof, by fine, imprisonment and whipping, all or any of them, at the discretion of the Court.

§ V. *Be it further enacted*, That if any white person shall, in the said Swamp, consort, or work with, or employ, or engage, to work in said Swamp, any runaway slave, or any slave who shall not have such certified copy as aforesaid, he or she shall forfeit the sum of one hundred dollars, to be recovered in an action of debt by any person who will sue for the same, and shall be moreover indictable as for a misdemeanor, and, on conviction, shall be punished by imprisonment for not less than three months, and a fine at the discretion of the Court.

§ VI. *Be it further enacted*, That if any free negro, who shall be convicted of any offence under

this Act, and sentenced by the Court to pay a fine, shall be unable to pay, or procure the same to be paid, it shall be the duty of the Court, to order him or her to be sold for the said fine, according to the directions of the Statute providing for the sale of free negroes for fines in other cases.

§ VII. *Be it further enacted*, That if any person or persons, who shall apprehend any runaway slave in the said Dismal Swamp, and deliver such slave to his or her master, or owner, or shall deliver such slave into the Jail of the County in which such apprehension shall take place, shall be entitled, (besides any reward which may have been offered for the apprehension of such slave,) to demand and receive of, and from such master or owner, the sum of twenty-five dollars, and if not paid on demand, to recover the same by warrant, before any Justice of the Peace.

§ VIII. *Be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause, or procure to be falsely made, forged or counterfeited, or aid or assist in the false making, forging, or counterfeiting of any writing purporting to be a copy of the registration of the description of any slave, or free person of color, in this Act mentioned, he or she shall be deemed guilty of a misdemeanor, and on conviction in any Court having cognizance thereof, shall be punished by standing in the pillory for one hour, by whipping, imprisonment for six months, and fine, all or any of them, at the discretion of the Court, due regard being had to the nature and circumstances of the offence.

§ IX. *Be it further enacted*, That it shall be the duty of the several Clerks of the Counties of Gates, Chowan, Perquimans, Pasquotank, Camden and Currituck, to procure from the Secretary of State, whose duty it shall be to furnish them with the same, printed copies of this Act, which they shall have put up at the Court-house doors of their respective Counties, by the first day of March next; that the expenses of the same, if any, be defrayed from the treasuries of their several counties, and that for a failure to comply with the requisitions of this Act, the Clerks of the said Counties shall be liable to indictment in the County or Superior Courts, and on conviction shall be fined at the discretion of the Court.

§ X. *Be it further enacted*, That this Act shall be in force and take effect, from and after the first day of March next.

LETTER

ON THE SUBJECT OF

THE ALBEMARLE FISHERIES.

Some of the fishermen of seines on the Albemarle Sound have requested me to submit my views on a memorial sent by them to the General Assembly, remonstrating against the interposition of the Legislature to impose Lay days on the Sound fisheries, as proposed by some petitioners on the Roanoke and Cashie rivers. This request is made of me as being the oldest fisherman now living on the Albemarle, and the first who in 1807 established a fishery on that wide and boisterous inland sea; who for twenty years was extensively engaged in fishing, but for the last few years has not been engaged in any fishery. If my long experience, and close observation, can throw light on this or any other subject of such important interest to this community, and to my native State, as it always has been freely communicated, I hope it will never be withheld when requested.

The petition, I presume, is founded on an assumed fact, that the seines on the Sound obstruct materially the passage of shad up the Roanoke, to the great injury of the

inhabitants living on that river. Now is this a fact? To properly determine this fact, would require a minute knowledge of the extent of this inland sea, the localities and extent of the seines on its shores, and the mode of working them—as well as the probable direction and course of the fish after they enter the Albemarle Sound. The extent of this Sound, from its head, formed by the Chowan and Roanoke rivers, (whose mouths are from five to six miles distant from each other,) and Edenton bay, to the Ocean, is about 70 miles, nearly East in its course. At its Eastern extremity, the water passes through Croatan Sound, which is from 4 to 6 miles wide, and 12 miles long, running in a S. E. direction to Pamplico Sound, which is 30 miles wide, and 60 miles long, running in a S. W. direction to Ocracoke inlet, where all the fish must now enter our waters. The average width of the Albemarle, from Edenton bay to Croatan Sound, is about 12 miles, which is its width from Edenton to the mouth of the Roanoke. Its depth is uniformly from 18 to 21 feet about ¾ of a mile from each shore. It begins to narrow on the North shore, five miles below Edenton, from which point the mouth of the Roanoke lies ten miles in a direction South a little West, and that of the Chowan six miles West. Its width is between 5 and 6 miles for about 10 miles East, where it abruptly widens on the North shore to 12 miles again. There are five rivers emptying into the Sound on the North shore, exclusive of the Chowan, and two on the South, exclusive of the Roanoke. McRae's map of the State will enable one to realize their localities in all respects except distances. The seines on the North side of the Sound are located from the mouth of Little river to Edenton bay, at different distances from each other, or an extent of near thirty miles on the shore. The extent of the seines, is, I suppose, set forth in the memorial, with the average distance that they are laid out in the Sound: but the *modus operandi* is not sufficiently explicit to arrive at just conclusions. It is not to be inferred that the length of the seines

is a total obstruction to the passage of the fish to that extent; for there is a free ingress and egress during the whole time that the seine is being hauled to the shore, a distance of from 1200 to 1600 yards. As a proof of this, when two seines nearly adjacent are laid out simultaneously, the upper seine often takes more fish than the lower. The seine is laid out in a line almost parallel with the shore, and is drawn more and more into the form of an elypsis from the time they begin to haul, until the ends reach the shore. Thus, although the seine may be 1600 yards long, the distance between the ends when they reach the shore, is only 500 or 600 yards. It requires a much longer time for the seine to reach the shore than it does to take it in afterwards.

It will thus be seen that the obstruction is by no means equal to the length of the seine. These seines are on an average not laid out more than 500 or 600 yards in a channel, varying from five to ten miles in width, and do not remain even in that portion of the channel more than one hour and a half at each haul, if so long. How then can they be an obstruction to the mouth of the Roanoke, distant nearly ten miles, and on the opposite side of the sound? If they turn the fish running directly west for the mouth of the Chowan, where they are properly destined, it must throw them South in the direction of the Roanoke, and therefore be of advantage instead of an injury to that river.

I have not seen the petition, and do not know the causes alleged to support it. If it is alleged that the great quantities of Shad taken by the Albemarle seines diminish the quantity that would otherwise ascend the Roanoke, to the same amount, we will consider what that would be. The seines on the North side of the Sonnd do not, on an average, take more than 25,000 Shad to the seine during the season, which continues for about thirty days. The entire quantity taken then, by say 15 fisheries, is 375,000 during each season. But it is presumed that it is not intended to prohibit hauling the seines except on

certain days, say one or two days in the week. If for one day, 12,500, or if for two days, 25,000 more Shad would ascend the Roanoke in each week: which would amount to but few more than 100,000 Shad during the season. Now, shall this little affair, even admitting what is alleged, jeopard so great an interest to the individuals concerned—to a vast number of the citizens of the State, and in fact to the State itself.

It is a fact, that the fisheries on the North side of the Albemarle, do not take one half the quantity of Shad that are taken by seines of the same extent on the Chowan, from ten to thirty miles above the uppermost Sound fishery. The Sound fisheries on the North side are emphatically Herring fisheries, and no seine would be hauled there for Shad alone. But the perils of winds, and tides, and inclement weather on this wide and boisterous sheet of water, already impose rather more than two lay days in the week upon those seines. My books kept for a number of years, shew a loss of rather more than eight hauls in the week, which are equal to two days work. From these causes the business is always precarious, and attended with loss, if they should cause a cessation of operations at any time during the three *runs* of the fish, which come on at uncertain intervals, and continue only three days each. If then any lay day should be imposed, and it should happen on any day of these *runs*, this, with the necessary hindrance on account of the weather, would inevitably put down and destroy this great interest.

I have long been convinced that the diminution of fish running up the Roanoke, is to be ascribed to other causes, more general, and capable of higher proof.

In the year 1807, when I established the first fishery, and in 1816, when I established two more, Currituck inlet, and New inlet, were both open, and vast quantities of fish came into our waters through them. More Herrings it was supposed came through Ocracoke. After Currituck inlet closed, (now a wide sand beach,) and New inlet was partially closed by shoals, we caught very little

more than half the quantity of fish, as before, at the same fisheries. When Caffie's inlet, and Roanoke inlet (two intermediate inlets) were open, I learned that the quantity of fish in our waters was much more abundant than in 1807 when I became interested. Traditionary accounts of the vast numbers of fish that passed through Caffie's inlet are no doubt known to members from Currituck and the sea-board. The fish for several years past have been able to reach the waters of the Albemarle through no other passage than the inlet at Ocracoke, and I have shown what Sounds they must pass through before reaching the Albemarle. I remember when the water in Edenton bay was so brackish that even horses would refuse to drink it, and as low down as the mouth of Perquimons river, it was salt; and we caught salt water fish at all seasons of the year. Since the different inlets have closed, the water is fresh at the Eastern extremity of the Albemarle, and seines are hauled in the lower rivers for Shad and Herrings, where none entered before. From this cause, Shad, and particularly Herrings, do not ascend the Roanoke and Chowan every year, as high, or in as great proportional quantities, but distribute themselves in the lower rivers, where they are attracted by different currents and channels, and loiter on the shoals in favorable weather. This is always observable, if the season should prove to be dry and moderate, with the wind prevailing from S. E. to S. W. The more rain we have during the winter and spring, and the greater the prevalence of the wind from N E. and N. W., the greater is the number of fish that enter and ascend the Roanoke and Chowan rivers, and the smaller is the quantity taken by the seines on the North shore of the Sound. Much, therefore, depends on the wind and weather, as to the quantity of fish entering these rivers. These are the general causes, but there are particular causes, more easily demonstrable. Previous to the year 1807, I knew of but two seines on the Roanoke, (there may have been more,) and both these were from five to

eight miles above the town of Plymouth, which is about eight miles above the mouth of the river. They caught vast quantities of fish. At that time, but very few gill nets were set on that side of the Sound. Most were set on the North side. and in the mouth of the Chowan river. In 1816, when both Shad and Herrings were in great demand, the seines were multiplied on the Sound, but to a much greater extent on the Roanoke. From that time till 1819, (when fish fell greatly in price,) every foothold from the mouth of the Roanoke to Plymouth, where a seine could be hauled, was seized upon and occupied by a seine. Immense quantities of fish were taken for two or three years by these seines, at a profit, double that of the Sound fisheries. And why? Because the mouth of the river is not more than 500 or 600 yards wide; the seines were short, and were laid out entirely across the channel; were worked at a comparatively small expense. and were going constantly, day and night. More or less of them were always across the channel, and these upon all the thoroughfares making into the sound. The consequence of this was, that the fisheries above Plymouth were soon abandoned, and such complaints were made by the inhabitants living above, of the obstruction, that some lay days were, after a few years, imposed upon the river seines. But the fish, both Shad and Herrings, were so impeded in their course by these numerous seines, that they were broken off from entering. The fisheries were dropped one by one, and the few persons who continued hauling, ascribed the great failure to the gill nets which were set in great numbers, and had a law passed prohibiting them from being set, I believe, within two miles of the mouth of the river. Notwithstanding this, neither Shad nor Herrings would enter the river in sufficient quantities to justify the continuance of the seine fisheries, and they were therefore abandoned. The nets were afterwards, I believe, set where the netters pleased, across the channel, and transversely in every direction, according to whim or caprice. A capital of $3,000

may, it is believed, if laid out in gill nets, purchase enough to cross the mouths of every river on the Sound, including the Roanoke and Chowan, and thus, measurably, confine the fish to the Albemarle and lower Sounds. They reach from the surface to the bottom, and are in the water day and night. May it not be *reasonably* inferred, then, that the diminution of fish on the Roanoke is to be ascribed to some of these causes, rather than to the Sound fisheries, which as we have seen, do not fish more than 500 or 600 yards of a channel five to ten miles wide, and are not even in that portion of the channel more than four hours in the twenty-four. Besides, the Sound fisheries, are day fisheries, for long experience has shown that it is unprofitable, and more perilous to lay the seines out in the night.

The instance stated of the Roanoke, is not the only one in which fish have been thus turned from their usual haunts and have not returned to them until long after all obstructions have been removed. To say nothing of former times, late instances can probably be given by the members from Tyrrell, and perhaps by other members from the eastern counties, of the immense quantities of fish that flooded the Alligator river, and passed through a narrow channel into the *Frying-pan*. The same can be said of the Scuppernong river, at the float bridge at Columbia, and of the Perquimons at the float bridge at Hertford. At these places, seines were hauled as in the narrow channel of the Roanoke, and any quantity of fish could be taken. Yet these places have been long since abandoned as fishing stations, and before any fisheries were established below the mouths of these rivers. On the Potomac there were ssmilar instances in the days of General Washington, who owned a fishery, which, if it was not recorded by him, has been handed down to us upon his authority.

If, then, such causes have operated, and may operate to break off fish from narrow water courses, when they can resort to vast expanses of fresh water, such as the Albemarle or the wide Potomac, why shall we seek visionary

causes for the same result, and by acting upon them, destroy so great an interest as that of fishing on the broad and magnificent Albemarle. These fisheries require a capital of $100,000 to enable them to draw from those waters the bounties of Providence, provided and bestowed for the good of man, and which would otherwise be lost. Upwards of 1000 hands are employed at these seines, and more than 100 vessels. Besides these, many stave getters and coopers are kept in constant employment; all of which tends to increase the industry and population of the country, and to cheapen food. The foreign importation of salt is also encouraged, since more than 50,000 bushels are annually required. The wealth of the State is increased, by this source of profitable employment to many of its citizens, and by the increased taxation upon the real estate of those persons who own fisheries.

The true principles of political economy, and of social obligations, must, I am sure, satisfy the Legislature that it will not be either just, wise, or prudent, to impose any restrictions on the seine fisheries on the Albemarle Sound. I could enlarge upon our practical operations, to a volume, but I have endeavored to be as concise as the nature of the subject will allow.

JOS. B. SKINNER.

Nov. 20, 1846.

SENATE DOCUMENT—NO. VI.

A STATEMENT

FROM

THE PUBLIC TREASURER,

IN RELATION TO

STATE STOCKS.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

LETTER.

LETTER.

TREASURY OFFICE,
December 5th, 1846.

To the Honorable Speaker of the Senate:

In obedience to a resolution, directing "that the Public Treasurer be requested to communicate to the Senate, at as early a day as practicable, a condensed statement, exhibiting at one view, the amount of Bank, Rail Road, Turnpike, and Navigation Stocks owned by the State, together with their present or last ascertained value, with the average annual dividend (if any) received therefrom for the last three years; also to what particular fund the said Stocks belong, or to which the dividends may be appropriated. And further, that the Public Treasurer be requested to furnish a like Statement, shewing the amount of liabilities of the State on account of endorsements for Rail Road Companies—the periods at which those liabilities become due, together with the amount falling due at each specified period," respectfully submits the accompanying Statement, showing the market or estimated value, as nearly as can be ascertained.

The Sales of Stock have been so rare, that much difficulty has arisen, in arriving at any thing like a satisfactory conclusion as to the market value of those belonging to the State.

In many cases where sales have taken place, the market price bears a great disproportion to the amount received from the dividends. For instance, the stock in the Buncombe Turnpike Company for many years divided from ten to fifteen per cent., yet that stock is only estimated at par value, and no sales, as I learn, have been made for more.

The estimates in the Cape Fear and Roanoke Navigation Companies are fixed by the respective Companies, there having been no sales of any of their stocks. There can be no difficulty in assuming the principle, that any permanent stock yielding to the State an annual profit of six per cent., should be estimated at least at par, and this principle may be properly applied to stocks paying either smaller or larger dividends, thus; three per cent. stocks should be valued at fifty dollars, and twelve per cent. at $200.

It was thought unnecessary to report the stocks of the Yadkin, Catawba, Neuse and Tar River Navigation, as they have ceased to exist as Companies, and the stocks considered worthless.

I have the honor to be,

Very respectfully,

C. L. HINTON, *Pub. Treas.*

STATEMENT

Of Bank, Rail Road, Turnpike and Navigation Stocks held by the State.

5027	Shares of Stock in the Bank of the State of North Carolina, held by the President and Directors of the Literary Fund, par value $100 per share,	502,700 00	
	Market value, $110 pr. share,		552,970 00
	Average semi-annual dividends for the last three years, 3½ per cent.	100,540 00	
5322	Shares of Stock in the Bank of Cape Fear, held by the President and Directors of the Literary Fund.		
112	Shares of Stock in the same, dividends appropriated to the Fund for internal Improvement.		
10	Shares of Stock in the same unappropriated.		
5444	Shares of Stock per value $100 per share,	544,000 00	

	Market value, $100 pr. share.			544,000	00
	Average semi-annual dividends for the last three years 3 per cent.	97,992	00		
100	Shares of Stock in the Buncombe Turnpike Company, par value $50 per share,	5,000	00		
	Market value, $50 per share.			5,000	00
	Dividends unappropriated. This Stock has paid no dividend since November 1842, prior to which time, it paid an annual dividend of 15 per cent.				
6000	Shares of Stock in the Wilmington and Raleigh Rail Road Company, held by the President and Directors of the Fund for Internal Improvement, dividends appropriated to Literary Fund, par value, $100 per share,	600,000	00		
	Market value unknown.				
500	Shares of Stock in the Roanoke Navigation Company, dividends appropriated to the Literary Fund, per value $100 per share,	50,000	00		
	Estimated val. $35 pr. share,			17,500	00
	Divi'd. 1½ per ct. 1844, $750				
	" 1½ " 1845, 750				
	" 1¾ " 1846, 875				
		2,375	00		
650	Shares of Stock in the Cape Fear Navigation Company, dividends appropriated to Literary Fund, par value, $50 per share,	32,500	00		
	Estimt'd value $20 pr. share,			13,000	00
	Average semi-annual dividends for the last three years, 1 per cent.	3,900	00		

163,300 Bonds of the Raleigh and Gaston Rail Road Company. Of this amount of Bonds, $140,000 become due 1st of January, 1860,		
5,300 1st of " 1852,		
3,000 " " 1851,		
2,000 " " 1850,		
4,500 " " 1849,		
8,500 " " 1847,		
held by the President and Directors of the Literary Fund, par value,	163,300 00	
Market value,		163,300 00
52,000 Bonds of the Wilmington and Raleigh Rail Road Company, held by the President and Directors of the Literary Fund; of this amount of Bonds, 50,000 became due 1st January 1843,		
2000 due 1st January, 1847,	52,000 00	
85,000 Loaned to the Wilmington and Raleigh Rail Road Company by the Literary Board, in 1837, secured by mortgage on the property of said Company of the same date; of this amount of Bonds, 60,000 became due 1st January, 1845.		
25,000 due 1st Jan. 1850,	85,000 000	
		137,000 00
55,643 Bonds of individuals, held by the President and Directors of the Literary Fund,	55,643 00	
		55,643 00
15,000 Bonds of individuals, held by the Board of Internal Improvement, interest appropriated to the Lit'ry Fund.	15,000 00	
		15,000 00

175,000 Cherokee Bonds appropriated to the Fund for Internal Improvement,	175,000 00	
		175,000 00
50,000 Bonds of the Wilmington and Raleigh Rail Road Company, due 1st January 1844, taken up and held by the State,		50,000 00

STATEMENT

Of the Liabilities of the State on account of Endorsements for the Raleigh and Gaston, and Wilmington and Raleigh Rail Road Companies.

The State is liable as surety on account of the Wilmington and Raleigh Rail Road Company, for		150,000 00
With 6 per cent. interest, payable as follows:		
January 1st, 1847,	$50,000	
" " 1848,	50,000	
" " 1849,	50,000	
	150,000 00	
The State is liable as surety on account of the Raleigh and Gaston Rail Road Company,		500,000 00
With 6 per cent. interest, payable semi-annually,		
Principal due January 1st 1860,	500,000 00	
The State became surety for same Company, under Act of 1840, for $300,000, bearing interest of 6 per cent. semi-annually.		

Principal payable as follows:

January,	1845,	paid	30,000	
"	1846,	"	30,000	
"	1847,	due,	30,000	
"	1848,	"	30,000	
"	1849,	"	30,000	
"	1850,	"	30,000	
"	1851,	"	30,000	
"	1852,	"	30,000	
"	1853,	"	30,000	
13,500 Scrip not issued, payable 1st Jan. 1854,		"	16,500	
				226,500 00
				226,500 00
				$876,500 00

☞ It will be seen by the foregoing statement, that the Literary Board and the State have retired $50,000 each of the Bonds of the Wilmington and Raleigh Rail Road, due the 1st of January, 1843 and 1844.

SENATE DOCUMENT—NO. VII.

REPORT

OF THE

JOINT COMMITTEE,

ON

ENCLOSING THE PUBLIC SQUARE.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Committee appointed by both Houses of the General Assembly, to enquire into the subject of enclosing the Public Square, on which the State House is erected, have had the subject under consideration. It will be remembered, that at the last session of the Legislature, a Resolution was passed, authorizing the Secretary of State to receive proposals for building a Stone Wall and Iron Fence, around the Capitol Square. When the Committee entered upon the discharge of their duties, the Secretary of State placed in their hands some two or three Proposals. The Committee, supposing that they did not transcend their powers, received other proposals from various persons—none of them, however, were accompanied by any drawings, by means of which the Committee could ascertain the manner, or style of the fence proposed to be erected. They gave notice of this deficiency, there fore, to the Proposers, and in a few days, various drawings were submitted to their inspection. After a care fu and laborious examination of the different plans, and a

accurate an estimate of what such an enclosure or fence should cost, as they could make, the Committee came to the conclusion that the Square ought to be enclosed, and selected as the Plan of the fence proposed to be built, the Plan submitted with the Resolutions accompanying this Report. The Committee are of the opinion, that the utility, the necessity of the State House being enclosed, must be apparent to every one. In its present situation, it is liable to injuries which a proper fence would prevent. Every eye is delighted, when it rests on the beautiful structure which adorns the Public Square—the heart of every North Carolinian throbs with pride, when he beholds the grand and massive building in which the law-givers of his State convene; yet the blush of shame must tinge his cheek, when he sees the ruined, and neglected appearance of the square, on which it is erected. The sum which the Committee suggest in the accompanying Resolutions, to be appropriated for the purposes therein named, may appear large and unreasonable; but they think, that when the neatness and durability of the plan which they propose, and the amount of labor which is to be done, is taken into consideration, it will be found to be moderate, and by no means extravagant. The number of running feet in the proposed fence is believed to be 2,000, and upon calculation it will appear, that the work will cost *but six dollars* per runnning foot—for the stone work as well as iron—this the Committee think, is very moderate for a work of this kind. And here the Committee would beg leave to state, that they have adopted in their estimation, not only the most durable, but the cheapest plan offered. The Committee have thought it proper to suggest in the Resolutions offered with this Report, the names of certain persons therein mentioned, as proper persons to whom the contract should be given, not only because the sum bid was the least for such a plan; but in addition to this, the persons named agreed to take in part payment for the

work, property belonging to the State, which to the State is entirely worthless.

The Committee therefore, instruct me to report the accompanying Resolutions, Plan, and Specifications, and recommend their adoption, and ask to be excused from the further consideration of the subject.

All of which is respectfully submitted,

JNO. C. B. EHRINGHAUS,
Chairman.

RESOLUTIONS

For Enclosing the Public Square on which the State House is situated.

WHEREAS, The Public Square in the City of Raleigh, on which is erected the State House, is unenclosed, and by reason thereof, not only is the Square much abused, and the shade trees growing thereon much injured, but the State House itself exposed to defacement and injury of every sort: *And whereas*, it is not only the duty, but ought to be the pride of every State, to guard and carefully preserve the building in which her Legislature sits, and in which her Records are kept.

§ I. *Be it therefore Resolved by the General Assembly of the State of North Carolina*, That the Public Square in the City of Raleigh, on which is erected the State House, be enclosed by a good and durable

fence, to be made of stone and iron, according to the Drawing, or Plan and Specifications submitted by the Special Committee appointed by both Houses of the General Assembly for that purpose: *Provided*, that the whole cost of said fence or enclosure shall not exceed the sum of twelve thousand dollars.

II. *Be it further Resolved*, That the construction of said fence be under the control and management of the Board of Public Buildings, and that before the contractor or contractors are allowed to commence the work, the said Board shall require him or them to enter into Bond with good and sufficient security, in the sum of fifteen thousand dollars, payable to the State of North Carolina, conditioned that the said contractor or contractors shall execute the work in a reasonable time, and in a good substantial, and workmanlike manner, and according to the Plan and Specifications submitted by the Joint Committee on the subject of enclosing the Capitol Square.

III. *Be it further Resolved*, That the Board of Public Buildings shall make as a part of the contract, which may be entered into between them and the contractor or contractors for building said fence, that the said contractor or contractors shall take at a fair valuation, in part payment of the sum to be paid for building said fence, any old iron which the State has, or may have, and that said iron shall be at the disposal of the said Board for such purpose.

IV. *Be it further Resolved*, That the sum of twelve thousand dollars be, and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated, for the construction of said fence; and that the said sum be paid out to the Board of

Public Buildings by the Treasurer, in such sums as they may require; and that the Treasurer be allowed the same in the settlement of his accounts; and further, that the said Board shall pay out to the contractor or contractors, such sums, and at such times, as they may deem proper.

V. *Be it further Resolved*, That the contract for building said fence be given to Messrs. Burns and Stronach, of the City of Raleigh, upon their entering into bond as is prescribed in Resolution second, and that the contractors be allowed to use, free of charge, any stone which they may choose to take from the quarry belonging to the State, and any loose stone about the Public Square, which belongs to the State.

VI. *Be it further Resolved*, That the Drawing or Plan for building said fence, with the Specifications submitted by the Joint Committee, be deposited with the Board of Public Buildings, under whose control the erection of said fence, according to said Plan, has in the second Resolution been placed.

SPECIFICATIONS,

Of the manner in which the Fence, enclosing the Public Square, in the City of Raleigh, on which the State House is erected, is to be built.

The Fence to be built of stone and iron; to have a good and solid foundation of stone, laid in strong lime mortar, beneath the surface of the earth, and to come up to the level of the earth—on which is to be erected a solid, dressed, stone coping, twelve inches high, and sixteen inches wide—each pannel to be eight feet wide—the balance of the fence to be of cast iron; the pannel posts to be five and a half feet high, five inches and a half in diameter near the base, and four inches and a half in diameter near the top, as shewn in the drawing; to be hollow, round, and fluted, with an ornamental top, as shewn in the drawing. The tressil work resting on the stone coping to be one foot high, and the rails of the tressil work at each end let into the pannel posts, and the top rail let into the pannel posts also—the top rail

to be 2¾ inches wide, by ¾ of an inch thick—the top rail of the tressil work, on which the upright rods set, to be 2¼ inches wide by ⅝ of an inch thick; the lower rail of all to be 2¼ inches wide by ⅝ of an inch thick; the upright rods to be square, 1⅛ inches in diameter; to pass through the top rail, and rest on the upper rail of the tressil work and let into sockets, with the edge of the rod or angle to the front, with an ornamental head like that shewn in the drawing. Inside of each pannel post there is to be an iron rod, *wrought*, 1¼ inches square, to pass from the top of the post, and to be firmly and securely fastened in the stone coping. There are to be fifteen upright rods in each pannel. There shall be four large gates, fronting the four entrances of the State House—to be twelve feet wide between the gate posts; the gates to be folding gates; the gate posts and the gates to be higher than the balance of the fence, and in proportion to the fence; and on each gate post an ornamental lamp, the frame of which is to be of cast iron, the sides to be covered with isinglass. The gates, in opening, to turn on iron rollers, running on iron bars let into solid stone; the gate posts and gates to be after the same pattern as the balance of the fence; all of the iron work to be of cast iron, excepting the rods which pass inside of the posts and are socketed in the stone coping. The whole fence to be built according to the drawing herewith submitted and hereto attached.

SENATE DOCUMENT—NO. VIII.

A BILL

TO PROVIDE

FOR THE SALE OF CERTAIN LANDS

IN

MACON AND CHEROKEE COUNTIES,

Which have been surrendered to the State.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL.

WHEREAS, under the Act of the last General Assembly, entitled "An Act more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same," several tracts of land, commonly known as the "*Cherokee Lands*," were surrendered to the State, and ought to be again sold, as well to secure homes to the first purchasers, as for the benefit of the State, no revenue whatever being derived by the State from said lands at present. For remedy whereof—

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all the lands surrendered

by insolvents under the provisions of said Act, shall be again sold, under the following rules and restrictions, that is to say: the County Court of Cherokee, (a majority of the Justices of said County being present,) shall appoint one discreet person residing in Cherokee County, and the Governor shall appoint two others from some County west of the Blue Ridge other than Cherokee, who shall constitute a Board of Valuation, whose duty it shall be to value the lands so surrendered to the State, at a fair cash valuation, in the followng manner: 1st. at their present worth, including the improvements placed upon them by the former purchasers or their assigns. 2d, the worth of said lands when in a wild and unimproved state, taking into consideration in both cases the locality of said lands, and the facilities the purchasers may have in the transportation of their produce to market. And the said Board of Valuation shall make out duplicate lists of each class of valuation as soon as may be; one copy of each class of such lists to be filed in the Clerk's Office of the County Court of Cherokee, and the other they shall transmit to the Governor; and such copy filed in the Clerk's Office as by this Act directed, shall be kept by the Clerk among the records of said Court.

§ II. *Be it further enacted.* That the first purchasers who have surrendered said lands, their heirs, devisees or assigns respectively, shall have a preemption right to purchase the lands they or either of them have so surrendered, at the valuation by said Board as "*unimproved lands*," the said purchasers first paying one-fourth of the purchase money, and

giving bond with approved security to the agent of the State, heretofore appointed under the Act passed at the session of the General Assembly, held on the third Monday of November, A. D. 1840, entitled "An Act authorizing the Governor to appoint an agent in the County of Macon or Cherokee"; and such bonds for the payment of the purchase money, shall be made payable in four equal annual instalments, bearing interest from date. And upon such bonds when due and unpaid, suit shall be brought as upon the other bonds given for Cherokee lands, under the laws now in force concerning Cherokee bonds: *Provided*, nevertheless, that no suit shall be instituted in any Court of the State, when the amount sued for is within the jurisdiction of a Justice of the Peace.

§ III. *Be it further enacted*, That if the person or persons who surrendered said lands, his, her, or their heirs, devisees or assigns, should fail to comply with the requisitions of the second section of this Act, within three months after the valuation by the said board, then and in that case, the said agent for the State is hereby authorised and required to sell and dispose of any tract or tracts so surrendered to any other person or persons desirous of purchasing the same, at the price of "*improved lands*," upon such purchaser or purchasers giving the necessary bonds as required in said second section.

§ IV. *Be it further enacted*, That whenever it shall appear to said agent that a part of any tract of land surrendered under the Act of 1844, had been previ-

ously sold by the purchaser from the State, to any other person or persons, then and in that case, it shall be the duty of the agent to have due regard to the interest of such sub-purchaser at the time of surrender, and to resell to each under the provisions of this Act, according to the interest he or she may have had at the time of such surrender.

§ V. *Be it further enacted*, That the pre-emption right granted by the second section of this Act, shall not extend to any person or persons who are not actual settlers on the lands, or who do not desire to become permanent residents in said County of Cherokee: *Provided*, That nothing in this Act contained, shall interfere with any right which any person or persons may have acquired under any existing law of the State.

§ VI. *Be it further enacted*, That each and every purchaser of any section or sections of said lands, having obtained a certificate from the board constituted by this Act, shall have full power and authority to institute an action of ejectment in the name of the State of North Carolina, against any person or persons who may be in possession of such section of land, and shall, on application, refuse to deliver up quiet and peaceable possession thereof, or who shall intrude upon said purchasers after they enter into possession, or who may hold over after their tenancy shall have expired. And the certificate of the Board to such purchaser or his assignee, shall be evidence of title and right to sustain said action. *Provided*,

nevertheless, the said purchaser shall give bond and security for the payment of all costs accruing in said action, in case of his failure to recover.

§ VII. *Be it further enacted*, That as a full compensation for the performance by them of the duties mentioned in the first and second sections of this Act, the said agent and board of valuation, shall each be entitled to receive $ per day for each day he shall be necessarily employed therein, to be allowed by the Governor, upon the affidavits of said agent and the members of said board, verifying the number of days so employed, and when allowed, to be paid out of the moneys in the hands of the agent, arising from the sales of Cherokee Lands.

SENATE DOCUMENT—NO. IX.

REPORT

OF THE

JOINT SELECT COMMITTEE,

ON

INTERNAL IMPROVEMENT,

ON THE BILL

To provide for laying off and establishing a Turnpike Road from Raleigh to the line of the State of Georgia, together with the Governor's communication on that subject.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee on Internal Improvement, to whom was referred "A Bill to provide for laying off and establishing a Turnpike Road from Raleigh to the line of the State of Georgia," and also the Message of His Excellency, the Governor, communicating the report of the Survey made by the Rev. Dr. Mitchell, of the said proposed road, have had the same under consideration, and have directed the said bill to be reported to the Senate with the following amendments, and recommend its passage, viz:

At the end of the first section, insert the following words, "*and also from the Town of Fayetteville to intersect the said Road from Raleigh at some point east of the Yadkin River.*"

And in the third line of the second section, strike out the word "*thirty,*" and insert the words "*twenty-one.*"

Respectfully submitted,

S. F. PATTERSON,

Chairman.

A BILL

To provide for laying off and establishing a Turnpike Road from Raleigh to the line of the State of Georgia.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That there shall be laid out and made, a Turnpike Road from Raleigh, West, to the line of the State of Georgia, in Cherokee County in this State.

§ II. *Be it further enacted,* That the said Road shall be built and owned exclusively by the State of North Carolina, and shall be made *thirty* feet wide, except where there shall be side cutting, and there it shall be fifteen feet wide, and shall be so graded as in no place to rise more than one foot in sixteen feet, except that portion of the Road West of the Buncombe Turnpike Road, and that part shall be made twenty feet wide, except where there shall be side cutting, and in such places it shall be fifteen feet wide; and in no part to rise more than one foot in ten feet, and shall be well made under the direction and superintendance of an agent of the State, to be appointed as hereinafter provided.

§ III. *Be it further enacted,* That it shall be the duty of the Governor to appoint a competent and experienced Engineer, and five Commissioners, to survey and lay out said Road, who shall first take an oath before one of the Judges of the Superior Courts, to lay off said Road faithfully, impartially, and to the greatest advantage of the State.

§ IV. *Be it further enacted*, That in case the owner or owners of any land, through which said Road shall be laid off, shall conceive him, her, or themselves aggrieved thereby, he, she or they may, by petition or motion, apply to the Court of Pleas and Quarter Sessions for the County in which such land is situate, for a jury to view the premises and assess the damages sustained; and thereupon, it shall be the duty of the Court to direct the Sheriff of such County to summon a jury of good and lawful men to examine the land, and assess the damage done thereto, having due regard, however, to the advantage such land owner or land owners will derive from making said Road, as well as the damage done to the land; and upon the report of such jury being made to and confirmed by such Court, the damage so assessed shall be paid by the County in which the damage is sustained.

§ V. *Be it further enacted*, That on the report of the Engineer and Commissioners, herein directed to be appointed, being made to the Governor, shewing that they have performed the duty required of them by the third section of this Act, it shall be the duty of the Governor to appoint one of such Commissioners, or other suitable person, to act as agent of the State to contract for and superintend the making of said Road. And it shall be his duty to let out and contract for the making of said Road in lots of one mile each, to be let to the lowest bidder.

§ VI. *Be it further enacted*, That it shall be the duty of the Commissioner or agent so appointed, to provide in all contracts, that no part of the price of making any lot, shall be paid until the lot is completed according to the contract and received, and that the payments shall only be made as the collections are made of the debts due the State from purchasers of the Cherokee lands, and the sales hereafter to be made of the unsold lands, or in the bonds

themselves, if preferred by the contractors. And the contracts shall be made as far as the collections and receipts from said debts and land will justify, and no further.

§ VII. *Be it further enacted*, That all the bonds due the State for the purchase of Cherokee lands, and all judgments rendered on such bonds, and all the public lands in Haywood, Macon and Cherokee Counties, whether sold or unsold, are hereby pledged for the making of said Road, until the same is completed.

§ VIII. *Be it further enacted*, That the commissioner or agent to be appointed under the fifth section of this Act, shall be at liberty to make contracts for making lots or portions of said Road at each end, or any other points on said Road, at the same time and in the first instance as he may find the public interest may require; and he shall have power, in case any debtor of the State for the purchase of Cherokee lands shall be a contractor for making part of said Road, to give such contractor a certificate, stating when the work was completed and the amount due therefor: and such certificate shall be received in payment on the debt of such contractor to the State, whether due by bond or judgment; and it shall be competent for said agent to contract to pay any contractor on said Road, in the bonds due the State, on others to be paid or collected according to the provision of the existing laws on the subject.

§ IX. *Be it further enacted*, That when fifty miles of said Road shall be completed at any one point, the Governor may direct a gate to be erected thereon, and collect toll on persons and property passing the same, not to exceed 6 per cent. per annum upon the cost of making such part, and so for each piece of road of fifty miles, as it shall be completed: *Provided*, that the tolls so collected shall not exceed the following rates at any one gate, viz. on every four-wheeled

pleasure carriage, 75 cents; on every gigg or sulky, 37½ cents; on every four-horse wagon, 37½ cents; on every six-horse wagon, 50 cents; on every two-horse wagon or cart, 25 cents; on every one-horse wagon or cart, other than pedlars' carts, 10 cents; on every pedlar's cart with one horse, 25 cents, and with two horses, 50 cents; for every horse under the saddle, 10 cents; on every loose horse or mule, 5 cents; on cattle and hogs, 3 cents each; for every stage coach, provided the same passes more than four times per week, 50 cents—otherwise, 75 cents; and for all animals intended for exhibition, two dollars each.

§ X. *Be it further enacted*, That it shall be the duty of every laborer living within three miles of said Road, who are bound to labor on public roads, to perform six days' work on said Road in each and every year, and in default thereof, after being duly notified by the agent of the State, or some one by him duly authorized, such laborer, if a free man and the owner of a slave, shall forfeit and pay to the State, one dollar for every day he fails or refuses to work, to be recovered by action of debt before any Justice of the Peace for the County in which the default may occur.

§ XI. *Be it further enacted*, That all laborers subject to work on said Road, shall be exempt from working on any other public road.

§ XII. *Be it further enacted*, That no toll shall be levied on the resident of any County through which the Road shall pass, within the County in which he resides, nor within fifteen miles of his residence in any other County.

SENATE DOCUMENT—NO. X.

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL

To authorise the Commissioners of the Town of Wilmington to borrow Two Hundred Thousand Dollars, and for other purposes.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on the Judiciary, to whom was referred "A Bill to authorize the Commissioners of the Town of Wilmington to borrow Two Hundred Thousand ($200,000) Dollars, and for other purposes," have had the same under consideration, and have instructed me to make the following

REPORT:

The Committee are unwilling to submit the result of their investigations, without assigning some of the reasons which have influenced them in coming to the conclusion at which they have arrived; and this they feel to be *their duty*, not only on account of the importance of the question involved, but also because of the respect

which they feel for that portion of the citizens of Wilmington, who have presented to the Legislature a "Counter Memorial." which, no less than the Memorial accompanying the Bill, has received the anxious consideration of the Committee.

Deeply regretting that questions so grave, should be presented for their determination amid the press of active engagements in this Hall, and with too little time, during the recess of its sessions, to enable them to arrive at satisfactory results, your Committee have nevertheless devoted all the time at their command to the investigation of the subject committed to their charge.

The Bill proposes to give to the Town of Wilmington the power to subscribe the sum of two hundred thousand dollars in the stock of "The Wilmington and Manchester Rail Road Company," and to this end, that the corporation of said Town may borrow such sum, upon the faith and credit thereof; and to secure the payment of the same, as also the annually accruing interest thereon, that the said corporation shall have power to levy a tax on the citizens, not exceeding the sum of 50 cents on each poll, and one per cent. on each hundred dollars value of real estate and improvements in said Town, provided that the same shall be sanctioned by a majority of the qualified voters in town meeting assembled.

Two questions present themselves at the threshold of this investigation: the first, "Whether the Legislature can constitutionally pass such an Act?" and the second, "Whether, having the power, it is expedient to do so?"

In regard to the first question, it may be remarked, that the government of North Carolina is not one of specially delegated powers, but one of limited and restricted power. The Constitution vests the Legislative power in "a Senate and House of Commons." There are no *grants* of powers to the Legislature, except in a few instances, where the power would not seem to arrange itself naturally under the class of Legislative powers according to precedent usage, as the election of the Go-

vernor and other high officers. It does not even confer the Revenue power, yet the Legislature has always exercised it in levying taxes. Indeed, this power in every sovereignty is indispensable and incontestible. In creating a government for the people of the State, and erecting a Legislative department, the Constitution vests in that department, without special grants of power, all such rights as the exigencies of the people may require. The right of taxing themselves and their property, is imported in the grant of Legislative power, because it is essential to the very existence of government; and as the exigencies of government are unlimited, so the exercise of this right has no restriction. except that which results from the form of the government, viz. that it be done by the consent of the governed. This, the only restriction upon the taxing power found in our organic law, is contained in the 16th section of the Bill of Rights, and is as follows: "That the people of this State ought not to be taxed or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given." The assent then, *of the people, or of their Representatives,* will give validity to any exercise of this power; but it is obvious, that its rightful exercise must depend upon the nature of the tax to be levied. Where the tax is to bear upon all the citizens, or upon all the property of the State, for *general and public* purposes, the Legislature is the best judge of the amount to be assessed, and the proportion in which it ought to be collected; and this power has accordingly been exercised by the Legislature alone. But it was soon found, that for the assessment of taxes for *local* purposes, that body was utterly incompetent; it could not exercise it judiciously, and it became indispensable to delegate the power to other agents, whose knowledge of the local wants, as well as the local resources of the tax-payers, might furnish a surer guaranty for its proper exercise. Hence, this power has been delegated to the Justices of the Counties, to be exercised

in their respective County Courts; and this grant of the Taxing power has not only been long acquiesced in, but twenty-five years since was solemnly adjudged by our Supreme Court to be Constitutional, in the case of "Lockhart *v.* Harrington," 1 *Hawks*, 408.

But this delegation of the power to tax, has been extended to every incorporated town in the State, for certain purposes, and in most instances with a general authority to enact such bye-laws as their citizens might deem necessary for the welfare of the corporation. It is manifest then, that all former Legislatures have thought they had the right to delegate the taxing power to any corporation, if it were exercised according to the requirements of the Constitution, viz: with the assent of the corporators themselves. But it is insisted that it must be with the assent of each and every individual in such corporation. In reply to this it may be said, that he who thinks proper to become a citizen of any community, must be content to be governed by a majority of those with whom he has common interests—in truth, to exact such an unanimous assent, would be to render the enactment of all laws nugatory; for no such assent ever was, or probably ever will be, given to any law. Societies can speak only through their majorities. Such a construction, as requires the assent of each individual, would not only be at war with all our institutions, but would render the taxing power itself inoperative and valueless. Most of our rights of life, liberty and property are passed upon, and either taken from, or confirmed to us by a majority of our peers, and it is not easy to perceive why in the levying of taxes for the supposed improvement of a Town, any other or more safe rule need be resorted to. But the Bill as amended, does more than require the concurrence of a majority, it exacts a *majority which shall represent two-thirds in value of all the real estate* within the limits of the corporation as prescribed in the Bill.

Finding no decision of our Courts upon this question, the Committee have turned to the reported decisions of

other States to aid them, and find that in Massachusetts, two cases at least have been decided, in which it was held that the Legislature might make such grant. It is conceded in argument by Mr. Binney, of Philadelphia, in his opinion against the right of that City to subscribe for Rail Road stock, that such power might have been given by the Legislature of Pennsylvania in the acts of incorporation. By reference to the laws of other States, we are also aided to some extent in construing the power of our Legislature. In 1833, (laws of Virginia, p. 275,) the Common Council of Lynchburg are authorized to subscribe stock in the James River and Kanawha Company, with power to levy taxes and borrow money to pay the subscription, by the assent of the majority of the voters of the town. The Legislature of New York authorized the city of Albany to borrow $400,000 upon the faith of their City, to be invested in the stock of the Albany and West Stockbridge Rail Road Company, with power to levy and collect taxes with the assent of a majority of the qualified voters of the city. This was in 1839, (see laws of N. Y. p. 313.) The Legislatures of South Carolina, Tennessee, Georgia and Pennsylvania, have at different times authorized their cities and towns to invest large sums in works of Internal Improvement, with power to tax their inhabitants to sustain them, and their right to do so does not seem to have been questioned. But as it has been insisted that the present is a novel attempt in North Carolina, we would call the attention of the Senate to the fact, that in 1818 the Legislature of this State invested the Commissioners of the town of Fayetteville, with power to borrow money and levy taxes, for the purpose of opening a road from Fayetteville to Morganton. (Pamphlet Acts, 1818, p. 67.) And in 1832, the Legislature authorized the Commissioners of the town of Fayetteville to borrow $200,000, to be invested in the stock of the Cape Fear and Yadkin Rail Road Company. (Pamphlet Acts of 1832, p. 93.) Finding nothing in the Constitution itself to forbid the exer-

cise of this power, and much in the acts of our own Legislature, as well as those of other States, to justify it, your Committee are brought to the conclusion on the first question, that such an act would not be unconstitutional.

In reference to the second question, viz. "whether it is expedient to exercise such power, supposing it to exist," your Committee find themselves at much less difficulty, than in the examination of the first.

Within the limits of a report, it is neither to be expected or desired, that all the considerations involved in the question of expediency should be examined: a brief allusion to some of the most prominent, may be pardoned to the Committee. In determining whether it be expedient to delegate the power proposed in the Bill, the present condition of Wilmington, as contrasted with that in which it was found by the Wilmington and Raleigh Rail Road in 1840, seemed to the Committee a proper subject for consideration. That much of its present prosperity is attributable to the Road, seems to be conceded by the counter memorialists, and a succinct statement of its population and resources, at their different periods, may aid the Senate in arriving at a proper solution of the question. According to data laid before your Committee, the Town in 1840, when the Road was completed, contained a population of about 4,500, and its Real Estate was estimated at the sum of $650,000; in the present year, its population is near or quite 9,000, and its Real Estate valued at $1,500,000: and although to the individuals who subscribed stock, it has proved an unprofitable investment, yet to the town the work has been one of pre-eminent benefit. "If it be denied that the Road is the cause of this, it is asked, why have the business, population, prosperity, and value of real property in the town, taken a new birth with the commencement of the Rail Road—increased three times as much in the last thirteen years as in the preceding century?" It is also said, that the projected route to the South and West will add still more to the present increase; that the region which it

pierces will furnish the finest naval stores, and bring from the adjacent districts of South Carolina, her great staple of Cotton, in such abundance as to justify the erection of Factories of that article at Wilmington, to a much greater extent than has been done in our State at any other point, because of the facility by which it may thus be procured, and transmitted thence to foreign markets; that the completion of this route, in avoiding the dangers of that portion now performed by sea-boats, will attract and secure more travel than heretofore; that it furnishes the only hope of opening a direct communication with the rich Counties of Western North Carolina, and supplies the great desideratum of a *home* market. It is also insisted, that judging of the future by the past, even if no dividends from the stock be realized, the enhancement in value of the real estate within the town will of itself compensate the citizens for the sum they may be required to contribute; that such a route is more imperatively required than any other work of improvement in the State, and that its success, should the grant of power asked be obtained, is placed beyond doubt; that the spirit in which the proposal has been met by the State of South Carolina, and the ardor and liberality with which her citizens have embraced it, are sure presages of its ultimate success.

It is further alleged, that without such a grant, it is not possible, in the judgment of the memorialists, to effect the great work they have in view; that their now flourishing town would soon relapse into the listless inactivity of former times; that much of the region which has hitherto furnished naval stores, is now in a rapid state of exhaustion, and that unless they can open a communication with some other and untouched forest, they must relinquish the hope of deriving from this hitherto fruitful source of wealth, any further aid.

Your Committee are not insensible to the claims of a community characterized by so much self sustained en-

ergy, who in the darkest hour of commercial gloom some thirteen years since, projected their present road, at that time the longest in the United States, and subscribing to its erection the sum of Four Hundred Thousand Dollars, (a sum greater than the whole value of all their real estate,) brought to its aid too, their whole energies, until at last the great work was happily accomplished. Though purchased with much personal loss, the community have yet trebled their population, and increased the value of their real estate near five hundred per cent. within a few years. In the strong language of a Report recently made upon this subject to the citizens of that place, they have "now a population of from 8 to 9000, rapidly increasing; busily employed in lucrative pursuits; moved with energy to surmount any difficulties, and looking forward with a hope and a will that defy temporary reverses."

Indeed, your Committee are unwilling to believe that a community which has achieved so much, and who profess their ability to achieve so much more, would be likely themselves, to ask what was inexpedient in regard to their own interests. Should the facts here rapidly glanced at, be relied on, and your Committee have no reason to doubt their accuracy, they would seem to furnish strong ground for the exercise of the right, and the grant of the power asked in the Bill.

But your Committee would perform their duty only in part, were they to confine their views of its expediency, to the citizens of Wilmington. The State herself is a deeply interested spectator of this movement: she is not only as "a nursing mother," anxious for the improvement of each and every portion of her territory, and the advancement of all her children, but is by far the largest stock-holder in the Wilmington and Raleigh Rail Road Company, whose stock now yields her no return, and whose very existence seems associated with the success of the extension, for the benefit of which, the present application has been made. Here is a plan, by which her investment may not only be assured, but made indeed a

source of profit, and almost certain revenue. Yet as the exercise of her undoubted right in this particular, without proper precautions, might justly be made the subject of complaint, your Committee, in the annexed amendments, have taken care that the interests of the State, should not be advanced to the injury of individuals, nor that individuals themselves should be subjected to increased though equal burthens, without a fair ascertainment of the public consent.

They have therefore, instructed me to report the Bill with such amendments, as will secure all these great objects, referring the whole subject to the concurrence and assent of a majority of all the tax payers, including widows and minors, and providing that such majority shall also represent *two-thirds* in value of the Real Estate in Wilmington.

And for as much as experience hath shewn, that men are but too often led astray by false and specious schemes of public policy, to guard against such an evil, they also propose, that as the Bill will not go into operation until the Commissioners of the Town, who are by law appointed the guardians of its interests, shall first authorize the same by the passage of an Ordinance, so they too shall be restrained from taking any steps by virtue of its authority, until a number of shares representing in amount not less than Three Hundred Thousand Dollars, shall first be taken in the Stock of the Wilmington and Manchester Rail Road Company.

Such being the nature of the Bill, with the accompanying Amendments, they recommend it to the favor of the Senate.

All of which is respectfully submitted,

HUGH WADDELL, Chairman.

AMENDMENTS.

Sec. 2d. All after the word "*provided*," and insert the following: "That a majority of all white persons, who are now, and have been for six months last past, tax-paying citizens, and shall represent at least two-thirds in value of all the real estate taxable within the limits of said Town, as fixed by this Act, shall signify their assent and concurrence in the manner herein prescribed: *Provided, further*, that no such bonds shall be executed, no such sum of money borrowed, no such tax levied, nor any subscription made, until a number of shares, representing in amount not less than three hundred thousand dollars, shall first be taken in the capital stock of the Wilmington and Manchester Rail Road Company."

Sec. 3d. Strike out all after "enacted," and substitute the following: "That on the first Monday in March next, the Sheriff of New Hanover County,

first giving ten days notice of the time and place of holding the election, shall prepare a box for the reception of votes on the subject of the tax, under the same rules and regulations governing other elections; and every person entitled to vote shall be at liberty to vote for or against the tax. Those voting for it shall deposit a ticket with the word "Tax" thereon, and those voting against it with the words "No Tax" thereon; and the said Sheriff shall make out a statement of all the votes taken in said town for and against the tax, which he shall, on the second Monday in March following, deliver to the County Court of New Hanover County, sealed up and endorsed thereon, "A statement of the votes taken in the town of Wilmington, at the election held on the first Monday in March, for and against a tax"; and the said Court shall examine and declare the result, and publish the same for the information of the citizens."

SEC. 4th. *Be it further enacted*, That where any person or persons entitled to vote, shall find it inconvenient to deposit their votes in person, they may each appoint a proxy, or they may join in appointing one person as their proxy, who shall thereupon be authorised to deposit his, her or their votes, in his, her or their names. *Provided*, That in every case where property lying within the said limits, in respect to which taxes have been payable, shall be owned by minors, he, she or they shall be represented by their lawful guardian, or if there be none, by the executor of their testator: so that such minor or minors, where more than one, shall not be entitled to more than one vote.

SEC. 5TH. *Be it further enacted*, That if the said Sheriff shall neglect to make the return aforesaid, he shall forfeit and pay the sum of
dollars, to be recovered in the name and to the use of the Town of Wilmington, on motion in the County

Court of New Hanover County, ten days' previous notice in writing of such intended notice, being given him, by the Town Clerk, which motion it shall be the duty of the County Solicitor to make, and proceedings thereon shall be summary, and if any matter of fact shall be in issue, the same shall be tried at the first term, and on such trial, the certificate of the Town Clerk of the particular default on which said motion shall be founded, shall be competent *prima facie* evidence of the same.

At the end of Section 5, add the following words:— "And in the event of any such person being dissatisfied, with the assessment so made, he, she or they may appeal to the Board of Commissioners of the said Town, at their next meeting, whose decision shall be final;" the word "select" for the word "appoint" in the first line, and after the word "February" in the 4th line, the words "in each and every year" to be added; the word "appointed," in the middle of the section, to read "selected."

The word "herein" in section 7 of the Bill, between "are" and "provided;" and the word "and" between "provided" and "by," in the middle of that section.

BILL.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Commissioners of the Town of Wilmington, for the time being, be, and they are hereby authorised and empowered, to borrow a sum of money, not exceeding Two Hundred Thousand Dollars, upon the faith and credit of said corporation; and for that purpose, the said Commissioners shall be authorised to issue bonds, having annexed thereto the seal of the corporation, and signed by the Magistrate of Police, and countersigned by the Town Treasurer, and made for any sum or sums not under Five Hundred Dollars each, and to carry interest at the rate of six per cent. per annum, which interest is to be paid

semi-annually to-wit: on the first Monday in January and the first Monday in July in each and every year thereafter, and such bonds shall be made payable at any time within twenty years, as shall be agreed upon between the Commissioners and the parties.

§ II. *Be it further enacted*, That it shall be the duty of the Commissioners, and their successors in office, to levy and collect, in addition to the taxes authorised to be levied by law, a sum not exceeding fifty cents on each taxable poll, and one per cent. on each hundred dollars value of Real Estate, and improvements in said town, as may be necessary to meet the semi-annual payment of the interest accruing on said bonds, and also the payment of the bonds according to the terms of the loan, or as the same shall become due and payable. *Provided, however*, that no such additional tax shall be levied and collected, or sum of money borrowed, without the same shall have been sanctioned by a vote of (a majority of the citizens in Town meeting, duly recorded on the minutes of the Commissioners.)

§ III. *Be it further enacted*, That for the better regulation of Town meetings, (held for the purposes mentioned in this Act.) it shall be the duty of the Magistrate of Police, to cause at least twenty days notice to be given of such meeting, by posting up advertisements in each ward, and also in the several newspapers published in said town: in which advertisements, the time, place and object of the meeting shall be clearly expressed.

§ IV. *Be it further enacted*, That the said Commissioners shall have power to appoint some discreet person, to collect and account for said taxes, and the

said collector thus appointed, shall enter into bond and security, for the faithful collecting and accounting for said taxes, in the same manner as the County tax is collected and accounted for by the Sheriffs, any law to the contrary notwithstanding. *Provided*, that the fees of said collector shall be regulated by the Commissioners.

§ V. *Be it further enacted*, That said Commissioners shall appoint one Justice of the Peace, whose duty it shall be within the last twenty working days of February, to receive the list of taxables of said Town, which list shall refer to the property owned by the said inhabitants, on the first day of January preceding, he first giving ten days' notice of the place where he will attend for that purpose. And any person failing or neglecting to give in on oath, their lists, shall pay a double tax. And it shall be the duty of the Justice appointed, to receive the tax lists on or before the first Monday in March in each and every year, to summon three freeholders to appear before him, which said freeholders, being first duly sworn to act impartially, shall assess the cash value of the several town lots and improvements, which assessment, after being by them subscribed shall be deposited with the Clerk of said corporation.

§ VI. *Be it further enacted*, That the Town Clerk shall immediately, upon the receipt of the tax list and the assessment, record the same in the town books, and furnish the collector a true copy from said lists, extending the amount of each person's tax, on or before the first day of April in each and every year. And the said Justice and Clerk shall receive such compensation for their services as the Commissioners shall deem adequate and just.

§ VII. *Be it further enacted*, That the Commission-

ers shall be authorized and required to subscribe, on behalf of said corporation, of the capital stock of the "Wilmington and Manchester Rail Road Company," the amount authorized to be borrowed under the provisions of this Act, which subscription shall be made under the same rules, regulations, and restrictions as are provided by an Act, passed at the present Session of the General Assembly, entitled "An Act to charter the Wilmington and Manchester Rail Road Company": *Provided*, that in all meetings of the Company, the stock authorized to be subscribed under the provisions of this Act, shall be represented by the Magistrate of Police, or such other person as may be chosen by the Commissioners of said town.

§ VIII. *Be it further enacted*, That whenever the amount of stock authorized to be subscribed under the provisions of this Act, shall have been paid in, each individual tax-payer in the town of Wilmington, or their legal representatives, shall be entitled to a share or shares of stock in said Company, in proportion to the amount of taxes severally paid by them from time to time, under such rules and regulations as may hereafter be prescribed. And it shall be the duty of the Town Clerk to keep an accurate list of the amount of tax paid by each person from year to year.

§ IX. *Be it further enacted*, That the corporate limits of the Town of Wilmington, shall be bounded and circumscribed by the following metes and boundaries, that is to say, beginning at a stone on the eastern bank of the River, five thousand eight hundred and eight (5808) feet, north of the northern line of Market street, and running thence eastwardly parallel with Market street, to a line parallel with Front street, and four thousand and ninety-three (4093) feet

from the corner of Lot No. 1, letter A, of the old plan of said Town, and thence southwardly, parallel with Front street, eleven thousand one hundred and seventy-two (11,172) feet to a stone, thence westwardly, parallel with Market street to the western bank of the River, thence northwardly to a point opposite to the south side of Orange street, thence westwardly the line of Orange street continued, three hundred and ninety-nine (399) feet, thence northwardly parallel with Front street, to a point opposite to the Town, known as Point Peter, to include the property known as the Point Peter Steam Saw Mills, thence across the River in a north-eastwardly direction to the beginning, as will more fully appear, by reference to a map of said Town, filed in the office of the Secretary of State.

§ X. *Be it further enacted,* That all laws and clauses of laws now in force and provided for the government and regulation of the Town of Wilmington, shall be so construed as to be operative and extend to the limits herein prescribed by this Act.

§ XI. *Be it further enacted,* That the Commissioners of said Town, shall have full power and authority to lay off and mark a new street or streets, or to extend those already laid out. as shall be found proper and convenient. *Provided,* That if the Commissioners cannot agree with the owners of the land, through which it may be necessary to make said streets, as to the terms upon which said streets shall be laid out, it shall and may be lawful for the Commissioners to file a petition in the County Court of New Hanover, under the same rules and regulations as are now prescribed by law for laying off public roads, except that said streets shall be laid out at least sixty-six feet wide;

and the damages assessed shall be paid out of the revenues of said town.

§ XII. *Be it further enacted*, That this Act shall be in force from and after its ratification.

SENATE DOCUMENT—NO. XI.

REPORT

OF THE

JOINT SELECT COMMITTEE,

So much of the Governor's Message as relates to the Bonds of Indemnity given by the Stock-holders of the Raleigh and Gaston Rail Road Company.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1842

SENATE DOCUMENT—NO. XI.

REPORT

OF THE

JOINT SELECT COMMITTEE,

ON

So much of the Governor's Message as relates to the Bonds of Indemnity given by the Stockholders of the Raleigh and Gaston Rail Road Company.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee, to whom was referred the Bill "to enforce the State's indemnity against loss, on account of her surety-ship for the Raleigh and Gaston Rail Road Company, have had the same under consideration, and instruct me to report it, together with the accompanying amendments, and to recommend its passage.

Your Committee are of opinion, that said Bill and Amendments embrace the whole subject on which the Committee were raised, and therefore ask to be relieved from the further consideration of the subject.

Respectfully submitted,

N. W. WOODFIN,

For the Committee.

AMENDMENTS.

SEC. 7th. *Be it further enacted*, That if the Attorney General shall deem it advisable to proceed in a Court of Equity against the Stockholders in said Company or others, jointly, it shall not be the duty of the Clerk and Master to issue a separate *capias* and *subpœna* to each defendant, but it shall be his duty to issue a *subpœna* only to each defendant residing in this State, and make publication for six successive weeks in some newspaper published in the City of Raleigh, and in one published in Petersburg, in the State of Virginia, notifying all the defendants to be and appear before said Court, and make their defence; and this, when done, shall be held to be sufficient notice and service on all and each of the defendants. *Provided, however*, That if any of such defendants shall desire a copy of the bill, it shall be the duty of the Clerk and Master of said Court to furnish them at the cost of the applicant.

SEC. 8th. *Be it further enacted*, That if any of those liable to the State in any of the forms, or on account of either or both of said Acts of Assembly, or the pledges or bonds given in pursuance thereof, shall be the owner or holder of any of the bonds made and endorsed under the provisions of either of said Acts, the liability of such owner or holder of the bonds so endorsed, shall be deemed and held to be a set-off against so much of the State's liability to such bondholder, and no assignment or transfer of such bond hereafter made, shall be allowed to defeat the provisions of this section; nor shall it be lawful for any such transfer to be made on the books of the Treasurer. But in all instances of application to transfer any bond or bonds now owned by any one liable to the State aforesaid, it shall not be allowed, unless it is made to appear to the Treasurer that such owner has, and owns other bonds, not proposed to be transferred, equal in amount to his liability to the State.

A BILL

To enforce the State's Indemnity against loss on account of her Suretyship for the Raleigh and Gaston Rail Road Company.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Public Treasurer, as soon as may be practicable after the passage of this Act, to give notice by public advertisement, in two newspapers printed in the City of Raleigh, for the space of one month, that the real and personal estate of the Raleigh and Gaston Rail Road Company has proved insufficient to discharge the debts of the said Company, in which the State of North Carolina was surety; by reason of which, large sums have been paid, and remain to be paid, by the State, on account of said suretyship; and to require all persons who are bound for the State's indemnity in the premises, either as Stockholders under the 14th section of the Act of 1839 for the relief of the Company aforesaid, or as Stockholders, subscribers or substitutes, by the acceptance by said Company, of the provisions of the Act of 1841, entitled "An Act

to secure the State against any and every liability for the Raleigh and Gaston Rail Road Company, and for the relief of the same," or by entering into bonds under the last-mentioned Act, to make payment into the Public Treasury, within one month from the date of said advertisement, of the sum or sums for which they are bound respectively, in consequence of their liabilities in any of the modes before specified.

§ II. *Be it further enacted*, That in case of failure or refusal of any of the Stockholders, subscribers or substitutes aforesaid, to make payment as hereinbefore required, then it shall be the duty of the Attorney General to bring suit against any and all of such Stockholders, subscribers or substitutes, severally or jointly, at Law or in Equity as he shall judge most expedient, to enforce and compel the payment of the sum or sums in which they are under obligations for the State's indemnity as before stated: *Provided*, that if a Court of Equity shall be resorted to, it does and shall possess jurisdiction of suits on the bonds aforesaid, as well as on the liability created by the acceptance of the benefits of the respective Acts of the General Assembly aforesaid, or either of them.

§ III. *Be it further enacted*, That in the event of any such suit being instituted, the proof of the advertisement, directed in the first section of this Act, shall be held and deemed to be a sufficient demand, and notice to the defendants, to require him, her, or them, to make good his liability to the State as far as he may be otherwise bound in law or equity, in any Court in which the same may be pending.

§ IV. *Be it further enacted*, That the list of bonds in the office of the Public Treasurer, to which is appended the certificate of the Governor, that from the best information he has been able to obtain upon due enquiry, that in his opinion, the obligors to said bonds

were able to pay the amounts secured by said bonds, bearing date the 30th day of April, A. D. 1841, shall be deemed and taken to be evidence that the full amount of five hundred thousand dollars was secured to the State for her indemnity, according to the proviso of the 6th section of the Act of the 12th day of January 1841, before recited.

§ V. *Be it further enacted*, That the Superior Court of Law or Equity for Wake County, at the option of the Attorney General, shall have and entertain jurisdiction of any and all suits instituted upon the subject matter herein before stated.

§ VI. *Be it further enacted*, That any and all sums paid or recovered as aforesaid, shall be received into the Public Treasury and applied to the indemnity of the State, and to save her harmless, as far as possible, against loss or damage on account of her suretyship aforesaid for the Raleigh and Gaston Rail Road Company.

SENATE DOCUMENT—NO. XII.

A BILL

FOR

THE BETTER REGULATION

OF THE

MILITIA OF THIS STATE.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee on Military Affairs, to whom was referred such portions of the Governor's Message, and sundry memorials from the citizens of this State, upon the subject and propriety of amending the Militia Laws of this State, have had the same under consideration, and beg leave to

REPORT:

Your Committee are aware, that this matter is a subject of ridicule with some, that it excites but little interest with many persons, that the Militia have been, and still are, with some uninformed, fit subjects, as they believe, for derision. To such, the Committee have *nothing* to say; but in the discharge of the duty imposed on them by this Legislature, they do say, that this feeling is brought about in a great degree by the inefficiency of the present law. Impressed as your Committee are, with the importance of a well regulated Militia, and aware that it is composed of the great body of our people, they

can but regret, that any person can be found within the limits of the State, who deride the only arm of defence we have. The blush of shame need never tinge the cheek of any son of the Old North State, when he reverts to the history of our struggle with the mother country. Manfully then did our Militia contend with the best drilled troops of the British Army—gallantly did they fight the battles of the Revolution, and the soil of their native State was watered with their blood, in many well fought, and hard contested engagements. May we not indulge the hope, that should their services be required, the sons of such sires would do their duty, and prove themselves worthy of the blood of such ancestors?

Your Committee believe, that there is now with a great portion of the State, a desire to see the Militia perform those duties for which they were created. At no time in the history of the State, has action on the part of the Legislature been more necessary. Numerous petitions are before us asking that the law may be made more effective, and more equal, in their operation. Without such laws as will enable officers to preserve that discipline which is the life and soul of any Military body, the Militia can never prosper. Without encouragement to those who are called upon to discharge the duty of a soldier, they will inevitably become lukewarm and careless—neglectful of their duties, and indifferent to the consequences. As *one*, and in fact the *only* way in which your Committee think the Militia can be benefitted, they recommend that the Legislature improve the Militia Laws. Your Committee, with considerable trouble, and a proper share of patience, have examined the present Militia Laws. They beg leave to call the attention of the Legislature to the fact, that the duty imposed on them, has by no means been a slight one; all the law on the subject has been placed under their supervision, and though the duty which they have *endeavored* to perform, may not have been so well or ably effected as it might

have been, yet they trust the Legislature will examine before they act—that the Body from which they desire this power, will examine the work which it has seen fit to order, and beg leave to report the accompanying Bill, and recommend its passage.

JNO: C. B. EHRINGHAUS,
Chairman Committee on Military Affairs.

A BILL

For the better regulation of the Militia of this State.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Quarter Master of each Regiment of Militia, or Volunteers, shall have authority to order out, as many free male persons of color, between the ages of eighteen and forty-five, within the bounds of his Regiment, as he may deem requisite, and for as many days as he may deem necessary, for the purpose of clearing off Parade grounds, for each and any Encampment, Regimental, or Battallion Muster. And should any free male person of color, when ordered out as aforesaid, refuse, or neglect to obey such order, without a sufficient excuse, to be judged of by the Regimental Court Martial, in that case, he or they shall be fined the

sum of two dollars per day for each and every day on which he or they has or have refused or neglected to obey such orders. And if it shall appear to the satisfaction of the Court Martial that may impose such fine, that such free man of color so fined is unable to pay said fine, the presiding officers of the Court Martial, which imposes the fine, shall direct the Quarter Master of his Regiment to hire out such free person of color, at public hiring, to any person who will pay the fine or fines imposed for said free person of color's services, for the shortest space of time.

§ II. *Be it further enacted*, That hereafter, the commissioned officers, as well as the non-commissioned officers of each company of Militia of this State, shall be elected and chosen by a vote of the majority of the members of such company, the officer highest in rank in such company, and in the event of there being no officer in the company, some person belonging to the company authorized by the Colonel of the Regiment to which said company is attached, calling together those belonging to the company, and superintending said election; and upon such an election taking place, the person superintending the same shall report to the Colonel of the Regiment the result of such election, and the Colonel shall make report of the same to the Adjutant General, who shall inform the Governor of the fact, who, upon such information, shall issue commissions to the several officers so elected, who may be entitled to the same. *Provided, however*, That on failure of any company to elect their officers, for the space of three months after any vacancies may occur, or to fill any vacancy which may occur, within three months after any person who may be authorized by the Colonel to call them together for such purpose has so called them together,

then the Colonel may appoint proper officers to command said company, to whom the Governor shall issue the proper commissions upon notification from the Colonel, and if the Colonel can get no person to accept such appointments, he may attach said company to any other company in his Regiment.

§ III. *Be it further enacted*, That whenever a vacancy shall occur in the office of Major General or Brigadier General, by death, resignation, or otherwise—besides the officers to whom the Major Generals and Brigadier Generals are now compelled by law to issue orders, for the purpose of holding an election to fill such vacancy—they shall also issue like orders to the General Staff, and Cavalry officers who may reside within the respective Brigades, to meet at such time and place as the General may designate, and vote to fill the vacancy which may have occurred; and the officer highest in command shall preside at, and make due return of such election, in like manner as is now prescribed by law for the direction of Colonels of Regiments in such cases.

§ IV. *Be it further enacted*, That none but a commissioned officer shall sit in any Court Martial convened under the laws of this State; and if any such officer shall fail to attend any Court Martial, when notified so to do, he shall be fined, if above the rank of Colonel, not less than twenty dollars; if of the rank of Colonel, and above that of Captain, not less than fifteen dollars; if of the rank of Captain and under, not less than ten dollars, without a sufficient excuse, to be judged of by the Court Martial from which he may be absent: and if any officer shall take his seat in Court Martial without being in uniform, he shall be fined at the discretion of the Court, not to

exceed five dollars, unless he furnishes said Court a sufficient excuse for such delinquency.

§ V. *Be it further enacted*, That whenever, in any Brigade of Militia, there shall be a sufficient number of companies of Cavalry to compose a Regiment, to consist of at least four companies, the same shall be formed into a Regiment of Cavalry. There shall be to each Regiment, one Colonel, one Lieutenant Colonel, one Major, one Adjutant, one Quarter Master, one Pay Master, one Surgeon and one Surgeon's Mate, to be elected and commissioned in like manner as such officers are elected and commissioned in the Infantry. The Adjutant, Quarter Master, Pay Master and Surgeon with the rank and pay of a first Lieutenant; the Surgeon's Mate, with the rank and pay of a second Lieutenant; all of which Officers shall reside within the Brigade or Battalion limits to which they are attached.

§ VI. *Be it further enacted*, That whenever in any Brigade there shall not be a Regiment of Cavalry, the commanding officer of each and every corps of Cavalry, which may be in said Brigade, shall make a report (in writing) of his Troop to the Brigadier General of his Brigade, as is now directed to be done by him to the commanding officer of his Regiment, and under like penalties in the forty-third section, chapter seventy-three of the Revised Statutes, Militia Law; and any person who may be enrolled in any Company of Cavalry, shall be subject to perform all the duties of the Infantry, in the district in which he resides, until such person shall equip himself as a Trooper, and procure a certificate to that effect from the commanding officer of the corps of Cavalry in which he is enrolled, and produce the same to the commanding of-

ficer of Infantry to whose company he was attached before such enrolment.

§ VII. *Be it further enacted*, That the third section of an Act, entitled "An Act for the better regulation of the Militia of this State," passed at the Session of the Legislature in eighteen hundred and forty-two and forty-three, chapter fifty-two, be, and the same is so amended, as to make it the duty of the Constable, to whom process may issue from any Court Martial sitting under the laws of this State, to return said process to the next sitting of the Court Martial from which it issued; and that the penalty therein imposed on such Constable for neglect of such duty, shall be recovered by suit on his official bond, in the name of the State to the use of the presiding officer of the Court Martial from which such process, in the execution of which such Constable has been guilty of neglect, may have issued.

§ VIII. *Be it further enacted*, That if any commanding officer of a company of militia, shall neglect to make return of the amount of fines assessed in his company, as is required in section thirty-four, chapter seventy-three, Revised Statutes, he shall forfeit for every such neglect of duty, the sum of ten dollars, without he renders to the Regimental Court Martial a sufficient excuse for such neglect, of which the Court shall judge.

§ IX. *Be it further enacted*, That the uniform which is at this time prescribed for the Officers of the Regular Army of the United States, shall be, and the same is hereby adopted as the uniform of the commissioned officers of the same rank in the Militia of this State. [illegible] that this shall not extend to Volunteer

corps who are allowed by law to select their own uniform.

§ X. *Be it further enacted*, That it shall be the duty of the Adjutant General of this State, to procure a description of the uniform and accoutrements now worn by the commissioned officers of the United States Regular Army, which by this Act is adopted as the uniform for officers commissioned of similar grade in the Militia, and that he shall have the same, together with all the laws now in force in this State, regulating the Militia, published in Pamphlet form, and shall also procure McComb's Tactics, and shall furnish to each Major General five copies of each work, to every Brigadier General five copies of each work, and to each Colonel of a Regiment twelve copies of each work for distribution among the officers of the Militia as the Generals and Colonels may think proper; and for his trouble in attending to this, he shall be allowed for the year one thousand eight hundred and forty-seven, and for that year only, the sum of Fifty Dollars, and he shall also be allowed any necessary expense, which he may incur in the publication, compilation and printing of such Pamphlets, which several allowances shall be paid out of any monies in the Treasury not otherwise appropriated, and that the Public Treasurer shall be allowed the same in the settlement of his accounts.

§ XI. *Be it further enacted*, That there shall be, in each and every year, one muster of each and every battalion, which muster shall be held as near the centre of each battalion district, as is possible to find a suitable place for such muster; and that it shall be the duty of every Colonel to attend at such battalion muster of any battalion under his command, on the

days of drill and the days of review, and drill and instruct the officers and men in their duties: and further, it shall be the duty of the non-commissioned officers, to attend the drills of officers, as is now required by law; and in the event of any non commissioned officer's failing to attend such drill, he shall be fined for such failure, two dollars, unless he furnishes a sufficient excuse to the Regimental Court Martial; and in the event of any Colonel failing to discharge the duties herein on him imposed, he shall be fined not less than ten, nor more than twenty dollars, without he renders to a Court Martial to be called by the Brigadier General, upon such failure being made known to him by the Adjutant—said Court to consist of at least five commissioned officers, one of whom shall be of as high rank as Colonel, and the others of at least as high rank as Captain—a sufficient excuse for such failure of duty.

§ XII. *Be it further enacted*, That no commissioned officer in this State shall be deprived of his rank or rights as such, without a regular trial before some Court Martial detailed for that purpose, in manner as is now prescribed for the trial of officers for other causes; and that all officers of the rank of Colonel, and above that rank, shall be tried as officers of like rank are now tried by the Army regulations of the United States, excepting as is hereinbefore required for the trial of officers.

§ XIII. *Be it further enacted*, That in all elections of officers held under the laws of this State, the polls for such election shall be held and kept open from eleven o'clock, (11) A. M. (or in the forenoon,) until three o'clock, P. M. (in the afternoon,) of the day on which said election is held; and that if any election

is not held according to this Act—upon such being made to appear to the satisfaction of the Governor, he shall be authorized, and he is hereby authorized, to order another election for officers, where they may have been so improperly elected.

SENATE DOCUMENT—NO. XIII.

REPORT

OF THE

COMMITTEE TO VISIT

THE

SCHOOL OF THE DEAF AND DUMB

IN THE CITY OF RALEIGH.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee appointed by a Joint Resolution of the General Assembly, to visit the School for the education of the Deaf and Dumb, have performed the duty assigned them, and beg leave to submit the following

REPORT:

The number of pupils at present receiving instruction in the Institution, is twenty-three, that is to say, twelve males and eleven females.

From the proficiency which they have all evidently made, not only in reading and writing, but in geography, history and arithmetic, also in the knowledge they have attained of the existence of God and his attributes, the Committee are satisfied that much has been done by the Superintendent of the institution, and his able assistants, to ameliorate the condition of this unfortunate class of our fellow-beings.

Besides the ordinary branches of education, these inmates of the asylum are taught some of the mechanic arts. The boys are taught shoe-making, printing, turning and carpenter's work, and the specimens of their work, particularly in the manufacture of shoes, will compare very favorably with those made by the workmen of our country. Thus, they not only acquire habits of industry, but the means also of contributing to their own support in after life. The females are made, by turns, to attend to the domestic concerns of the family, and are taught, by a person employed for that purpose, to sew; and some of them now make their own dresses. The mechanical department does not, as your Committee are informed, interfere with the time that should be devoted to intellectual improvement, or that which is necessary for recreation.

The school hours in the day, are the same as are common in other Schools; and during the winter months, two hours in the evening are devoted to study. On the Sabbath, they are instructed in the duties of religion.

The Committee were invited by the Superintendent of the School, to examine the sleeping apartments of the boys; here they found every thing calculated to contribute to the health and comfort of the pupils.

The Committee would respectfully call the attention of the Legislature to the want of suitable buildings, in which to carry on this School, which, though in its infancy, is destined, they hope, to diffuse its blessings for all time to come, to this hitherto benighted class of people. It is manifest the buildings now occupied (should they be able to procure them for another year,) are insufficient to accommodate more than the present number. The Committee forbear making any suggestion on this subject, but leave it to the wisdom of the Legislature to devise some plan, by which this useful institution can be placed on a sure and permanent footing. They cannot conclude this Report, however, without the expression of the great pleasure they derived in visiting

this School, and witnessing the extraordinary improvement made by the pupils, and the happy relation which subsists between teachers and scholars.

In the Asylum, there is—

1 from Buncombe,
1 from Chatham,
1 from Cumberland,
1 from Duplin,
1 from Davidson,
1 from Franklin,
3 from Granville,
2 from Guilford,
1 from Hyde,
2 from Martin,
1 from Moore,
1 from Northampton,
1 from Nash,
1 from New Hanover,
1 from Orange.
1 from Rowan,
3 from Wake.

Of these, only 2 are supported by their friends.

SENATE DOCUMENT—NO. XIV.

REPORT

FROM

THE COMMITTEE ON FINANCE.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on Finance and the Liabilities of the State, to whom was referred the subject of devising Ways and Means to meet the said liabilities as fast as they may become due, having devoted most assiduously all the time at their command, to the consideration of this very important subject, have instructed the undersigned to report the accompanying Bill, entitled "a Bill to provide for a re-assessment of the Lands of this State, and a more accurate Enlistment of the Taxable Polls," as part of a scheme for increasing the Public Revenue, and which they recommend be passed into a law. Other Bills are in the course of preparation, and will be submitted at as early a day as practicable.

Respectfully submitted,

S. F. PATTERSON, Chairman.

A BILL

To provide for a re-assessment of the Lands of this State, and a more accurate enlistment of the Taxable Polls.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the several County Courts in this State, at the respective terms when they appoint Justices of the Peace to take in the list of taxable property for the year one

thousand eight hundred and forty-seven, and at the same terms every five years thereafter, to appoint two respectable free-holders, men of skill and probity, to be associated with each Justice, who together with such Justice shall be styled "*the board of valuation.*" It shall be the duty of the board of valuation to ascertain, either upon view of the premises or otherwise, as accurately as may be practicable, the cash valuation of the lands with the improvements thereon, within the tax or Captain's district, to which they respectfully belong, and to return the same to their respective County Courts in the manner herein prescribed: *Provided*, said Justice and free-holders may, if they deem it necessary, call upon any person to testify as to the value of any tract of land which may be listed, and they are authorized in such case to administer an oath to any person so called upon. No person giving in his land for taxation, shall hereafter be required to state the value thereof upon oath, and if any individual shall deem himself injured by too high a valuation being placed upon his land by the board aforesaid, it shall be competent for the ensuing County Court to reduce the same upon motion and satisfactory proof of such allegation. The individuals comprising the said board of valuation shall annex to their respective returns the following affidavit, signed by them and certified by some Justice of the Peace: "We solemnly swear, that the foregoing valuations of land, with the improvements thereon, made by us, are in our judgment and belief, the actual value thereof in cash, and that in making the same, we have endeavored to do equal justice to the public and to the individuals concerned: so help us God." And the said Justice of the Peace and freeholders shall each be entitled to receive one dollar per day, for each day they may be necessarily engaged in making said valuation and returns, to be paid out of the taxes levied for County purposes.

§ II. *Be it further enacted*, That for the intervening four years between the respective periods of assessment or valuation of lands as provided for in the foregoing section, the County Courts shall appoint one Justice in each district to take in the list of lands and town lots as now provided by law, the valuation of which shall not be below that affixed by the board of valuation, and where tracts of land or town lots may have been subdivided after the valuation affixed thereto by the said board, the Justice of the Peace, taking in the list, shall affix the valuation of each sub-division, so that the aggregate value shall not fall below the valuation of the whole tract, made by said board. *Provided, however*, that it may be lawful for widows, or aged and infirm persons, or persons absent from the County during the period provided by law for enlisting taxables, who may unable from such cause to attend the place appointed by such Justice for taking in the list of taxables, to render a list of their taxable property on oath before any other Justice of the Peace for said County, which list so rendered and certified by the Justice administering the oath, shall be taken by the Justice, appointed to take in the list of taxables in the same way as if the said list had been rendered to him.

§ III. *Be it further enacted*, That the owners of all lands in this State, (if such owners be residents thereof, and if not, then the agent or attorney of such owners,) shall furnish on oath to the Board of Valuation, whenever called on for that purpose, (and it is hereby made the duty of said Board, to require it, where any person owns more than one tract of land in the same district,) a list setting forth the separate tracts of land so owned by any person, together with the number of acres, and the name of the water course, or nearest water course, or other remarkable place where said land may be situated, which list shall include all entries of land entered in the nmae

of any such person or other person for him. *not patented or granted*, as well as those which are: and on failure of any person to give in such list, he shall forfeit and pay a double tax as now required by law.

§ IV. *Be it further enacted*, That the Justice of the Peace and Freeholders, required to be appointed by the first section of this Act, shall, in ascertaining the value of all lands and improvements worked as gold or silver mines, or lands supposed to contain gold or silver, or other mineral, take into consideration the increased value of all such lands arising from the circumstance of their containing such gold or silver, or other mineral as aforesaid; and they shall make due return thereof to the County Court, in the same manner as is prescribed for the return of lands and improvements in the first section of this Act.

§ V. *Be it further enacted*, That if any Justice of the Peace in this State, who may be appointed by the County Court to take in the list of taxable polls, or other taxable property, shall take the same without administering the oath or affirmation as required by the 40th section of an Act, entitled "An Act to provide for the collection and management of a Revenue for this State," Revised Statutes, chapter 102, he shall, in addition to the forfeiture therein incurred, be deemed guilty of a misdemeanor, and upon conviction thereof in any Court in this State, shall forfeit his commision as a Justice of the Peace.

§ VI. *Be it further enacted*, That in all cases, the *owner or owners* of taxable slaves in this State, and *not the hirer*, shall enlist them for taxation, whether they be in the possession of the owner on the 1st day of April or not: *Provided*, that in cases, where the

owner or owners of any such slaves reside out of the State, and the slaves are hired to persons within the State, the hirer or other person, having them in possession at the time the list is taken, shall give them in and pay the tax, and on failure thereof, the said hirer or other person having any such slave in possession, shall forfeit and pay a double tax on all such slaves, to be collected and accounted for as other taxes.

§ VII. *Be it further enacted*, That in case any County Court shall fail or neglect from any cause, to appoint Justices of the Peace and Freeholders to form the Board of Valuation as herein provided, or of Justices to take the list of taxables as now provided by law, it shall be lawful, upon the said omission being ascertained, for any three Justices of the Peace in any such County, to meet at the Office of the Clerk of the County Court at any time before the 1st day of July, and make the appointment of Justices and Freeholders as herein provided, or of Justices to take the list of taxables as now provided by law—which appointments shall be recorded by the Clerk, who shall also issue to such Justices and Freeholders so appointed, the necessary and usual notices, which notices shall be served by the Sheriff, in the same manner as now required by law, which appointments so made, shall be as good and valid, as if made by the County Court.

§ VIII. *Be it further enacted*, That it shall be the duty of the Clerks of the County Courts in this State, when issuing notices to Justices of the Peace of their appointment to take the lists of taxables, to copy into the body of the said notice, the 5th section of this Act at large; and the said Clerk shall also advertise the same at the Court House Door of his County, at

and during the residue of the Term of the Court when such appointments are made; and on failure to perform the duties herein required, the said Clerk shall forfeit and pay the sum of Ten Dollars for each and every offence, to be recovered on motion to the County Court and satisfactory proof thereof, by the County Attorney, first giving the said Clerk ten days' previous notice; which forfeiture when recovered, shall be paid by the County Attorney into the Public Treasury, within thirty days from the receipt of the same.

§ IX. *Be it further enacted*, That it shall be the duty of the Clerks of the several County Courts, at the time notices are issued to the several Justices of the Peace informing them of their appointment to take in the list of taxables in their respective districts, to accompany every such notice or order with a fair copy of the returns made by the Board of Valuation in such particular district, of the last preceding assessment of lands and town lots within such district; which copy, the Justice of the Peace taking in the list of taxables, shall return with his return of taxables to the Clerk's Office, and which copy may be again issued from year to year, during the four years between the respective periods of valuation as provided in the first section of this Act, and for this service, the County Courts may make such allowance to the Clerks as they shall deem just and proper.

§ X. *Be it further enacted*, That the County Courts of this State shall have no power to release or exempt any person from the payment of a double tax, incurred as now provided by law for failing to give in a list of his or her taxable property, except in cases where it may appear to the Court upon satisfactory proof, that such failure occurred by reason of the sickness

of the party at the time such list was taken, or where it may appear that the omission of the name of any person on the tax duplicate, was caused by an error of the Justice taking in the list, in transcribing the original for the purpose of making his return to the Clerk of the County Court.

§ XI. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this Act, be, and the same are hereby repealed.

SENATE DOCUMENT—NO. XV.

REPORT

ON

INTERNAL IMPROVEMENT.

RALEIGH
W. R. DALES, PRINTER TO THE LEGISLATURE
1846

SENATE DOCUMENT—NO. XV.

REPORT

OF

THE COMMITTEE

ON

INTERNAL IMPROVEMENT.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on Internal Improvement, to whom was referred "A Bill to revive and re-establish the Raleigh and Gaston Rail Road Company, and for other purposes," have had the same under consideration, and have directed the said Bill to be reported back to the Senate with the following amendments, and recommend its passage, viz:

In the 4th Section, after the word "*Company*" in the 11th line, strike out the remainder of said Section.

And after the word "*line*" in the 14th line of the 6th Section, insert the following words: *Provided the said sum so subscribed be not less than two hundred thousand dollars.*"

All which is respectfully submitted.

S. F. PATTERSON, *Ch'm'n.*

A BILL

To revive and re-establish the Raleigh and Gaston Rail Road Company and for other purposes.

WHEREAS, pursuant to the provisions of an Act passed at the last Session of the General Assembly of this State, a sale has been made of the Raleigh and Gaston Rail Road, at which sale, the Governor, for and in behalf of this State, became the purchaser thereof: And whereas, it is the interest of a large portion of the State, that the said Rail Road should be preserved and extended; and it is believed that these purposes

can be better attained, by interesting individual enterprize, than if the said Road should remain exclusively the property of the State: Therefore,

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, the corporation heretofore known as the "Raleigh and Gaston Rail Road Company," shall be revived and re-established, and shall have, use, possess, and enjoy, all the powers, rights, privileges, emoluments and franchises, which were conferred on said corporation by the Act of the General Assembly of the State, passed in the year 1835, entitled "An Act to incorporate the Raleigh and Gaston Rail Road Company," in as full and ample a manner as the same were thereby conferred, and as if the said Rail Road had never been sold, upon the terms, provisos, and conditions hereinafter contained.

§ II. *Be it further enacted*, That the Capital Stock of the said Raleigh and Gaston Rail Road Company shall be, and the same is hereby reduced to the sum of Eight Hundred Thousand Dollars, to be held in shares of One Hundred Dollars each, four thousand of which shares shall be owned by, and belong to the State of North Carolina.

§ III. *Be it further enacted*, That the remaining four thousand shares of stock in the said Company, shall belong to and be owned by such person or persons, their heirs, executors, administrators, or assigns, as were Stockholders in the said Raleigh and Gaston Rail Road Company, at the time of the sale of said Road; and such person or persons, their heirs, executors, or administrators, as entered into bonds of indemnity for securing the State against loss, under the

provisions of the Act of the General Assembly of this State, passed in the year 1840–41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same," or under the Resolution of the said General Assembly, passed in the year 1842–43, entitled a "Resolution concerning the Bonds of the Raleigh and Gaston Rail Road Company." or so many of such Stockholders, or obligors, their several and respective heirs, executors, administrators, or assigns, as shall and may within twelve months from the passage of this Act, subscribe for the sum of Two Hundred Thousand Dollars of Stock in the Rail Road incorporated by the present session of the General Assembly of this State, and known as the "North and South Carolina Rail Road Company," the said Four Thousand Shares in the Raleigh and Gaston Rail Road Company to be apportioned among such subscribers, according to the number of shares of stock so subscribed by them in the said "North and South Carolina Rail Road Company." *Provided, however*, That such subscribers shall not be considered as entitled to the said Four Thousand Shares of Stock in the Raleigh and Gaston Rail Road Company, until the whole of said sum of Two Hundred Thousand Dollars, so subscribed to the said North and South Carolina Rail Road Company, shall have been actually paid in.

§ IV. *Be it further enacted*, That upon the payment of the whole of the said sum of two hundred thousand dollars, so subscribed to the said "North and South Carolina Rail Road Company," the said subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be stockholders in the said Raleigh and Gaston Rail Road Company, for the said four thousand shares of stock.

and certificates for the same shall be issued in the manner prescribed by the Act incorporating said Company; and *such subscribers*, their heirs, executors and administrators, shall be, and they are hereby declared to be released and discharged from all liability, either as Stockholders under the Act of Assembly, passed in the year 1838, entitled "An Act for the relief of the Raleigh and Gaston Rail Road Company," or as obligors under the before-mentioned Act of 1840–41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same," or under the Resolution passed in the year 1842–43, entitled "A Resolution concerning the Bonds of the Raleigh and Gaston Rail Road Company."

§ V. *Be it further enacted*, That so soon as the said sum of two hundred thousand dollars of stock, shall be subscribed to the said "North and South Carolina Rail Road Company," as herein before provided, the said subscribers, their executors or administrators, shall be so far considered as Stockholders in the said Raleigh and Gaston Rail Road Company, as to authorize them to call a meeting of the said subscribers, and to elect a President and other officers of said Company for the management of the said Rail Road, under the same rules and regulations as are prescribed by the Act of 1835, incorporating the Raleigh and Gaston Rail Road Company, except that in all such meetings, the State shall be entitled to one half of the whole number of votes, such votes to be given by the Treasurer of the State, or such other person as the Governor may appoint to represent the State at the said meeting, and at all general meetings of the said Stockholders: *Provided, however*, that the said subscribers shall not be entitled to receive any

dividends of profits on their said stock of four hundred thousand dollars in the said Raleigh and Gaston Rail Road Company, until the whole of their said subscription to the North and South Carolina Rail Road Company shall be paid, but all such profits shall be paid into the Public Treasury of this State.

§ VI. *Be it further enacted*, That if the said Stockholders and obligors, their heirs, executors or administrators, shall fail to subscribe the said sum of two hundred thousand dollars, to the stock of the "North and South Carolina Rail Road Company," within the time hereinbefore prescribed, that then the said four thousand shares of stock in the Raleigh and Gaston Rail Road Company, shall be transferred to, and become the property of such person or persons, or body corporate, as shall become subscribers for a sufficient amount of stock in the said "North and South Carolina Rail Road Company," to construct said Rail Road from the City of Raleigh to the South Carolina *line: Provided* the said sum so subscribed be not less than two hundred thousand dollars: said four thousand shares to be apportioned among such subscribers, according to the amount of stock by them respectively subscribed in the said "North and South Carolina Rail Road Company": *Provided, however*, that such transfer of said four thousand shares, shall not be made to such subscribers until the said Rail Road shall be completed; but in the meantime, such subscribers shall and may be at liberty to call general meetings and appoint a President and other officers of the said Raleigh and Gaston Rail Road Company, for the management of said Rail Road, in the manner provided in the foregoing fifth Section; but no dividend of profits shall be made or declared on said

stock, until the said North and South Carolina Rail Road shall be completed; but said profits shall be paid into the Public Treasury of the State until the completion of said Road.

SENATE DOCUMENT—NO. XVI.

REPORT

OF THE

JOINT SELECT COMMITTEE

ON

Finance and Liabilities of the State.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee on Finance and the liabilities of the State, in the further discharge of the duties confided to them of providing ways and means to meet the demands on the Public Treasury, have directed that the accompanying Bill, entitled "A Bill to provide for the transfer of certain funds from the Internal Improvement Fund to the Public Treasury, and for other purposes," be reported to the Senate, and recommend its passage.

Respectfully submitted.

S. F. PATTERSON, Chm'n.

A BILL

To provide for the transfer of certain funds from the Internal Improvement Fund to the Public Treasury, and for other purposes.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all the bonds due to the Board of Internal Improvement, and secured in whole or in part by mortgage, to the amount of fifteen thousand, six hundred and thirteen dollars, as appears from the

report of said Board of Internal Improvement, made to this General Assembly, be, and the same are hereby transferred to the Public Treasury.

§ II. *Be it further enacted*, That the Public Treasurer, upon the receipt of the bonds as aforesaid, shall proceed to collect the same as speedily as may be; and when so collected, or any part thereof, he shall deposite the same in the Public Treasury, to be used as other public funds.

§ III. *Be it further enacted*, That the dividends of profit arising on one hundred and twelve shares of stock, owned by the Internal Improvement Fund in the Bank of Cape Fear, be, and the same are hereby transferred to the public fund, until otherwise ordered by the General Assembly; and the Public Treasurer is hereby authorized and empowered, should he deem the same necessary, to sell and transfer ten shares of stock in the Bank of Cape Fear, now belonging to the State—the proceeds of which sale shall, when received, be deposited in the Public Treasury.

§ IV. *Be it further enacted*, That all monies received on account of Cherokee Bonds, whether principal or interest, for lands heretofore sold, and all moneys paid on account of Cherokee Lands hereafter to be sold, which

shall be received at the Public Treasury until the 1st day of January, 1849, be, and the same are hereby directed to be placed in the Public Treasury, and used as other public funds.

SENATE DOCUMENT—NO. XVII.

REPORT

OF

THE JOINT SELECT COMMITTEE

ON

Finance and the Liabilities of the State.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee on Finance and the liabilities of the State, to whom was referred the subject of making provision for increasing the revenue, have further considered the matter, and have directed the undersigned to report the accompanying bill, entitled "a bill to increase the public revenue," and recommend its passage.

Respectfully submitted.

S. F. PATTERSON,

Chairman.

A BILL

TO INCREASE THE PUBLIC REVENUE.

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§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a tax of one *per centum* shall be levied and collected upon the value of all real estate descended or devised to collateral kindred or others than lineal descendants, where said estate is of the value of Three Hundred Dollars and upwards.

§ II. *Be it further enacted*, That a tax of one *per centum* shall be levied and collected, upon the value of all personal property, or goods bequeathed to strangers, or collateral kindred, or which is distributable to or amongst next of kin of any intestate, where such next of kin are collateral relations of such intestate, and where the said legacy, or property distributable, shall be of the value of Two Hundred Dollars, and upwards.

§ III. *Be it further enacted*, That all deeds of gift, transfers, alienations, or conveyances of any estate, real or personal, made with intent to defeat the purposes of this Act, so far as relates to the said tax of one *per centum*, shall be, and the same are hereby declared to be void, and of none effect.

§ IV. *Be it further enacted*, That the executor, or executors, administrator, or administrators, of each and every person who shall have died, leaving no lineal descendants, on his final settlement, shall account for and pay to the Clerk of the Court of Pleas and Quarter Sessions, of his, her, or their County, the amount which the estate of his, her, or their testator, or intestate, shall be liable to pay, by way of tax, to the State, under the provisions of this Act, and in case of failure, shall be liable on his bond for the amount thereof, in a suit to be brought thereon, in the name of the State of North Carolina, to the use of the Public Treasurer, for the time being, and further be liable to be sued at Law or in Equity for the said taxes, in any other manner as executors or administrators are now liable to be sued by creditors of their testators or intestates, distributees or legatees, in the name of the State, which suit or suits, it shall be the duty of the County Attorney, or the Solicitor for the District, to institute and prosecute at the costs of the

State, where the same shall not be recovered from the defendant, or defendants.

§ V. *Be it further enacted*, That it shall be the duty of the several Clerks of the County Courts aforesaid, to keep a record of all monies received by them under the provisions of this Act, and transmit to the Comptroller of the State, a true and correct list thereof, each year at the time they return their statements, or lists of other taxables, or taxable property; and on failure to make such returns, or to pay the same over to the Sheriffs as herein provided, shall be liable on their official bonds for the several amounts received by them, in a suit or suits, to be brought in the manner and form prescribed in the preceding section of this Act.

§ VI. *Be it further enacted*, That it shall be the duty of the said Clerks, to pay over to the Sheriffs of their Counties, respectively, the several amounts which they shall receive under the provisions of this Act, and it shall be the duty of the several Sheriffs to receive, collect, and account for the same, to the Public Treasurer, in like manner, and under the same liabilities, forfeitures, and penalties, in case of failure as now prescribed by law for collecting and accounting for the other public revenue.

§ VII. *Be it further enacted*, That the tax now imposed by law on Attorneys' Licences, shall be paid to the Clerk of the Supreme Court at the time such license is granted—and the Judges of the Supreme Court on granting such licenses, shall deliver them to one of the Clerks of the Supreme Court, either at Raleigh or Morganton, which Clerks shall hand over the said licences to the respective applicants upon the payment of the tax aforesaid, and not otherwise,

which said taxes shall be paid over by the Clerks aforesaid to the Public Treasurer, within two months from the time of their receipt, and on failure to do so, the said Clerks shall be liable to the State on their official bonds, for the amount they received.

§ VIII. *Be it further enacted*, That all other laws, and clauses of laws, coming within the meaning and purview of the foregoing section of this Act, be, and the same are hereby repealed.

SENATE DOCUMENT—NO. XVIII.

REPORT

OF THE

JOINT SELECT COMMITTEE

ON

Finance and Liabilities of the State.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Joint Select Committee on Finance and the liabilities of the State, in further discharging the duties committed to their care, of making ample provision to meet all the liabilities of the State as fast as they may become due, and to protect in every possible contingency the faith and integrity of the State, have directed that the accompanying bill, entitled "a bill authorizing a loan to enable the State to redeem certain liabilities," be reported to the Senate, and recommend that it be passed into a law.

Respectfully submitted.

S. F. PATTERSON, *Ch'm'n.*

A BILL

Authorizing a loan to enable the State to redeem certain liabilities.

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§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Public Treasurer of this State be, and is hereby authorized and empowered to make and execute in his official capacity and in proper form, certificates binding the State for the money purporting to be due thereon, to an amount not exceeding *one hundred and fifty thousand dollars*, and no more.

§ II. *Be it further enacted,* That the said certificates shall be issued, each for the sum of one thousand dol-

lars, and shall bear interest from their date at the rate of six per centum per annum, payable semi-annually on the first days of January and July in each and every year, at the office of the Public Treasurer, or at such Bank or Banks as may be designated by him.

§ III. *Be it further enacted*, That all certificates of debt by the State, issued under and by authority of this Act, shall be signed by the Public Treasurer in his official capacity, and shall also be signed by the Comptroller of this State in his official capacity, and shall be by him duly registered at large in a book to be prepared and kept for that purpose. The said certificates shall be transferable only at the office of the Public Treasury of this State, by the holders of the same, or by his, her or their attorney, in a book to be kept by the Public Treasurer for that purpose; and on every transfer, the outstanding certificate shall be surrendered to and cancelled by the Public Treasurer, and a new certificate for the same amount shall be issued to the person or persons entitled to the same.

§ IV. *Be it further enacted*, That the public debt to be created under and by virtue of this Act, shall not be redeemable by this State until the first day of January which shall be in the year of our Lord one thousand eight hundred and sixty, and after that day the same shall and may be redeemed by the State at such time or times, and in such portions as may hereafter be declared and appointed by law.

§ V. *Be it further enacted*, That for the punctual payment semi-annually of the interest to become due on the principal of the debts hereby authorized to be created on the credit of and for the benefit of the State, until the same shall be fully paid to the holders of the

certificates therefor, and for the full and entire payment and redemption of the principal of said debt, and every part thereof, the public revenue of the State be and is hereby pledged; and the General Assembly doth hereby guarantee the payment of the full amount of the debt authorized by this Act to be created, and of the punctual payment semi-annually of the interest thereon at the rate aforesaid, until the whole of said debt, both principal and interest, shall be fully paid, satisfied, and redeemed.

§ VI. *Be it further enacted*, That no certificate of debt authorized by this Act shall be issued or sold without the concurrence of a majority of a Board, consisting of the Governor, Public Treasurer, and Comptroller of this State, who shall have power to decide on the necessity and expediency of issuing and selling the same, and to prescribe at what time, and to what amount the same shall or may be issued and sold; and no certificate of debt hereby authorized to be issued and sold, shall be sold either by the Public Treasurer or other person for him, under or for less than its par value.

§ VII. *Be it further enacted*, That whenever a majority of the Board aforesaid shall authorize the issuing and selling any certificates of debt herein and hereby provided for, it shall be the duty of the Public Treasurer to sell the same for cash, under the limitation as to price before-mentioned—to bring the proceeds of such sale or sales into his public accounts, and to apply the same to the payment of all bonds or debts of any corporation, the payment of which has been guaranteed by the State, and to the payment of such other liabilities of the State for the payment of which, the funds in his hands may be insufficient.

§ VIII. *Be it further enacted*, That the authority to issue original certificates of debt, under and by virtue of this Act, shall expire at the next biennial Session of this General Assembly: but nothing herein contained shall be construed to prevent the transfer of such certificates as may have been duly issued previous to that time, until the final payment and redemption of principal and interest, due or to become due on all such certificates of public debt.

§ IX. *And be it further enacted*, That this Act shall be in full force and effect, from and after the passing and ratification of the same.

SENATE DOCUMENT—NO. XIX.

A BILL

TO

ESTABLISH AND INCORPORATE

THE

METROPOLITAN RAIL ROAD

COMPANY.

To indemnify the State against her liabilities for the Raleigh and Gaston Rail Road Company, and for other purposes.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL,

WITH AMENDMENTS.

WHEREAS, pursuant to the provisions of an Act passed at the last Session of the General Assembly of this State, a sale has been made of the Raleigh and Gaston Rail Road, at which sale, the Governor, for and in behalf of this State, became the purchaser thereof: And whereas, it is the interest of a large portion of the State, that the said Rail Road should be preserved and extended: and it is believed that these purposes

can be better attained, by interesting individual enterprize, than if the said Road should remain exclusively the property of the State: Therefore,

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, a corporation to be known as the "Metropolitan Rail Road Company," shall be created and established, and shall have, use, possess, and enjoy, all the powers, rights, privileges, emoluments and franchises, which were conferred on the corporation created by the Act of the General Assembly of the State, passed in the year 1835, entitled "An Act to incorporate the Raleigh and Gaston Rail Road Company," in as full and ample a manner as the same were thereby conferred, upon the terms, provisos, and conditions hereinafter contained.

§ II. *Be it further enacted,* That the Capital Stock of the said Metropolitan Rail Road Company shall be, and the same is hereby declared to be, Eight Hundred Thousand Dollars, to be held in shares of One Hundred Dollars each, four thousand of which shares shall be owned by, and belong to the State of North Carolina.

§ III. *Be it further enacted,* That the remaining four thousand shares of Stock in the said Company, shall belong to and be owned by such person or persons, their heirs, executors, administrators, or assigns,

as were Stockholders in the said Raleigh and Gaston Rail Road Company, at the time of the sale of said Road; and such person or persons, their heirs, executors, or administrators, as entered into bonds of indemnity for securing the State against loss, under the provisions of the Act of the General Assembly of this State, passed in the year 1840–41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same," or under the Resolution of the said General Assembly, passed in the year 1842–43, entitled a "Resolution concerning the Bonds of the Raleigh and Gaston Rail Road Company," or so many of such Stockholders, or obligors, their several and respective heirs, executors, administrators, or assigns, as shall and may, within twelve months from the passage of this Act, subscribe for the sum of Two Hundred Thousand Dollars of Stock in the Rail Road incorporated by the present session of the General Assembly of this State, and known as the "North and South Carolina Rail Road Company," the said Four Thousand Shares in the Metropolitan Rail Road Company to be apportioned among such subscribers, according to the number of shares of stock so subscribed by them in the said "North and South Carolina Rail Road Company." *Provided, however*, That such subscribers shall not be considered as entitled to the said Four Thousand Shares of Stock in the Metropolitan Rail Road Company, until the whole of said sum of Two Hundred Thousand Dollars, so subscribed to the said North and South Carolina Rail Road Company, shall have

been actually paid in, and the said Rail Road shall have been completed to the Town of Fayetteville.

§ IV. *Be it further enacted*, That upon the payment of the whole of the said sum of Two Hundred Thousand Dollars, so to be subscribed to the said "North and South Carolina Rail Road Company," and the completion of said Rail Road to the Town of Fayetteville; the payment of the said sum of Two Hundred Thousand Dollars, to be certified to the Governor of the State for the time being, by the President of the said "North and South Carolina Rail Road Company": the said subscribers, their executors, administrators, or assigns, shall be, and they are hereby declared to be Stockholders in the said Metropolitan Rail Road Company, for the said Four Thousand Shares of Stock; and the Governor of the State for the time being, shall direct certificates for the same to be issued to the said subscribers, their executors, administrators or assigns, in the manner prescribed by the Act incorporating the Raleigh and Gaston Rail Road Company: *Provided, however*, that such Stockholders, their executors, administrators or assigns, shall not be entitled to receive out of the profits of said Metropolitan Rail Road, more than six per centum per annum upon the said Four Thousand Shares of Stock; but all the profits accruing from said Metropolitan Rail Road, after defraying the expenses thereof and keeping the same in repair, over and above the said six per centum per annum, together with all such sums as may be hereafter recovered from the Stockholders or obligors of the Ra-

leigh and Gaston Rail Road Company, under the several Acts passed for the relief of said Raleigh and Gaston Rail Road Company, shall be paid into the Public Treasury of the State, and constitute a sinking fund for the purpose of meeting the liabilities of the State for the said Raleigh and Gaston Rail Road Company.

§ V. *Be it further enacted*, That so soon as the said sum of two hundred thousand dollars of stock, shall be subscribed to the said "North and South Carolina Rail Road Company," as herein before provided, the said subscribers, their executors, administrators or assigns, shall be so far considered as Stockholders in the said Metropolitan Rail Road Company, as to authorize them to call a meeting of the said subscribers, and to elect a President and other officers of said Company for the management of the said Rail Road, under the same rules and regulations as are prescribed by the Act of 1835, incorporating the Raleigh and Gaston Rail Road Company, except that in all such meetings, the State shall be entitled to one-half of the whole number of votes, such votes to be given by the Treasurer of the State, or such other person as the Governor may appoint to represent the State at the said meeting, and at all general meetings of the said Stockholders; *Provided, however*, that the said subscribers shall not be entitled to receive any dividends of profits on their said stock of four hundred thousand dollars in the said Metropolitan Rail Road Company, until the whole of their said subscrip-

tion to the North and South Carolina Rail Road Company shall be paid, and the said Rail Road shall have been completed to the Town of Fayetteville, but all such profits shall be paid into the Public Treasury of this State.

SENATE DOCUMENT—NO. XX.

COMMUNICATION

FROM

THE PUBLIC TREASURER,

IN ANSWER TO A

RESOLUTION.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

RESOLUTION.

Resolved, That the Public Treasurer be requested to report to the Senate, a Statement, showing the amount of money which has been paid by the State for the Raleigh and Gaston Rail Road Company and the dates of the several payments. Also, the amount of money paid by the State for the Wilmington and Raleigh Rail Road Company, and the date of the several payments. Also, the amount for which the State is now liable for each of said Companies, and in what sums, and at what periods, the said liabilities severally fall due, according to the existing obligations.

COMMUNICATION.

TREASURY OFFICE, }
January 8th, 1847. }

To the Honorable, the

Speaker of the Senate:

SIR: In obedience to a Resolution of the Senate of the 7th inst., calling on the Public Treasurer to shew the amount of money which has been paid by the State for the Raleigh and Gaston, and Wilmington and Raleigh Rail Road Companies, and the dates of the several payments; also, the amount for which the State is now liable for each of said Companies, and in what sums, and at what periods the said liabilities severally fall due, the Public Treasurer respectfully

REPORTS:

That, by an Act of the General Assembly of 1839, the State became surety to the Raleigh and Gaston Rail

Road Company, for the sum of $500,000—of which, the Interest was to be paid semi-annually as it accrued, and the Principal to be redeemed at the pleasure of the Legislature, after 1860.

By an Act, passed in 1841, the State, in like manner, became surety for the same Company, for $300,000—the Interest to be paid as on the former loan, and the Principal to be paid in instalments of one-tenth; the first falling due on the 1st of January 1845, and on the 1st of January, of each year, to 1854 inclusive. The State has paid two instalments of this latter class. (that is, $30,000 in January 1845, and $30,000 in January 1846,) amounting to $60,000. The Interest on the entire amount of those Bonds, viz. $740,000, has been paid by the State for the last two years. In 1845, the Interest paid was $45,529 50, and in 1846, $45,015 00—amounting to $90,544 50.

By an Act of 1840, the State, in like manner, became surety for the Wilmington and Raleigh Rail Road Company, for the sum of $300,000—payable in six annual instalments of $50,000 each; beginning on the 1st of January 1842, and ending the 1st of January 1847. The first of these instalments was paid by the Company—the second by the Literary Board, and the Bonds are now held by that Board as a part of the funds of the Board; the third instalment was paid by the Treasurer, with the Public Funds, and the amount of $50,000 is now held at the Treasury, upon which, the Interest has been regularly paid by the Company.

By an Act of the last Legislature, other Bonds, endorsed by the State, were issued in place of those becoming due in 1845 and 1846, and the credit extended to 1848 and 1849. The Interest on all of the Bonds, en-

dorsed by the State for the Wilmington and Raleigh Rail Road Company, it is believed, has been regularly paid by the Company.

The third instalment of $30,000 of Principal, on the Raleigh and Gaston Rail Road Bonds, and the semi-annual Interest on the whole amount, was due on Monday last, and is paid, as presented at the Public Treasury.

Very respectfully,

Your obedient servant,

C. L. HINTON,

Pub. Treas.

SENATE DOCUMENT—NO. XXI.

REPORT

OF THE

JOINT SELECT COMMITTEE,

IN RELATION TO THE

Erection of suitable Buildings for the Deaf and Dumb, and Blind.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1847.

REPORT.

The Joint Select Committee to whom was referred a Resolution, instructing them to enquire into the expediency of erecting in the City of Raleigh, suitable buildings for the Institution of the Deaf and Dumb, &c., &c. have had the same under consideration, and beg leave to

REPORT:

That the buildings now occupied by the School, are wholly insufficient and ill-suited for the accommodation of all the persons connected with the establishment, and are at this time so crowded, as to make it necessary for some of the female inmates to occupy the private apartments of the family of the Principal. Every seat in the dining-room of the establishment is now occupied, and by additions which it is known will be made to the num-

ber during the next year, will render a division of the family, during meal time, absolutely necessary; by which, additional labor, trouble and expense, will be incurred. And should any more pupils, besides those already provided for, apply for admission, they must necessarily be refused for want of room for their accommodation—the effect of which, it is believed, would be highly prejudicial on the public mind, and truly disheartening to the friends of the Institution.

The Committee would further respectfully state, that insufficient and unsuited as the buildings at present occupied are, for the purposes of the Institution, there is no assurance that they, even, can be restrained for a much longer time. They are at present rented at the price of four hundred dollars per annum, but the lease expires in the month of April, 1848; and the owner of the property has advertised it for sale at the expiration of the lease; and as real estate is in demand in the City, there is but little doubt that it will be then sold, leaving it exceedingly doubtful whether those buildings, or any others at all suited for the purpose, can be procured.

Under these circumstances, the Committee are decidedly of opinion, that the President and Directors of the Literary Board should be authorized and directed to cause a suitable building to be erected, for the accommodation of such persons as are or may be connected with the Institution.

A plan of such building has been furnished by the Principal of the Institution, which meets the entire approbation of the Committee, and by which, a matter highly important to the well-being of all such Institutions, to-wit: an entire separation of the sexes, will be effectually accomplished.

In relation to the ways and means for erecting said buildings, the Committee beg leave to offer a few remarks. And first, as to the site: The State now owns four unoccupied lots in the City of Raleigh, of four acres each, any one of which might be appropriated for the

erection of said buildings, without any additional expense to the State.

According to the plan and estimates submitted, the whole cost of the buildings will not exceed the sum of Fifteen Thousand Dollars; which amount, the Committee think can be easily provided in the following manner:

By an Act of the last Legislature, the sum of five thousand dollars was annually appropriated, out of the proceeds of the Literary Fund, for the education and maintenance of such poor and destitute Deaf Mutes and Blind persons, as are unable to pay for such maintenance and education. The School now in operation in this City, was undertaken under the law of last Session, on the *responsibility*, and at the *risk* of the principal alone—the State paying only for the pupils actually instructed; by which arrangement, the expense of the establishment *to the State*, has been much less than that of any similar Institution in the country. Thus, by the most prudent management of the President of the Literary Board, coupled with the most rigid economy on the part of the Principal of the Institution, a large amount of the annual appropriation remains yet on hand unexpended—which, it is believed, by the end of the next fiscal year, will very nearly or quite reach the sum of $6,000.

The Committee propose that the Literary Board be authorized and directed to use such unexpended balance to defray the expense of erecting said buildings, and to apply, in addition thereto, for said purpose, the sum of five thousand dollars, from the Literary Fund. The remaining sum which it may be necessary to obtain, the Committee concur with the Principal in believing, can be easily raised by private subscription—one single benevolent and philanthropic individual, having already expressed a willingness to give one thousand dollars, provided the appropriation asked from the Literary Fund should be granted.

The views of the Committee are embodied in the accompanying Bill, which they beg leave to report, and recommend that it do pass.

Respectfully submitted,

GEO. W. THOMPSON,
JAS. A. RUSSELL,
W. H. WASHINGTON,
WILL. W. HOLDEN,
JAMES H. BLOUNT.

A BILL

To provide suitable Buildings for the comfortable accommodation of Deaf Mutes and Blind persons of this State.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That suitable Buildings for the accommodation of such Deaf Mutes and Blind persons as now are, or may hereafter become pupils or inmates of the Institution established in the City of Raleigh, for their education and maintenance, shall be erected in or near the said City, of good and durable materials, according to the plan submitted herewith. *Provided,* That the whole costs of said buildings shall not exceed the sum of Ten Thousand Dollars.

§ II. *Be it further enacted,* That the said Buildings shall be erected under the control and management of the President and Directors of the Literary Board,

who are authorised and empowered to contract for said work; but before any contractor or contractors, who may be employed by them, shall be allowed to commence the work, the said Board shall require him or them to enter into bond with good and sufficient security in the sum of Fifteen Thousand Dollars, conditioned that the said contractor or contractors shall execute the said work in such time as may be prescribed and specified by the said Board, and in a substantial and workmanlike manner.

§ III. *Be it further enacted*, That the President and Directors of the Literary Board be, and they are hereby authorised, empowered, and directed, to use for the erection of said buildings, any unexpended balance of the annual appropriation made at the last session of the General Assembly, for the maintenance and education of Deaf Mutes and Blind persons of the State, as may remain on hand at the expiration of the present and the next fiscal years; and also to apply for said purpose, the additional sum of Five Thousand Dollars from the Literary Fund.

§ IV. *Be it further enacted*, That the said President and Directors of the Literary Board be, and they are hereby authorised, empowered, and directed, to cause said Buildings to be erected on any one of the public lots in or near the City of Raleigh, now owned by the State, which they may select for that purpose: and to take and hold possession of such lot until further provision shall be made by law in relation thereto.

HOUSE OF COMMONS DOCUMENT—NO. VI.

REPORT

OF THE

SELECT COMMITTEE,

ON THE BILL TO ESTABLISH

THE COMMERCIAL BANK,

AT WILMINGTON.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Select Committee, to whom was referred the Bill to establish the COMMERCIAL BANK of Wilmington, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Respectfully submitted,

ISAAC B. KELLY,

One of the Committee.

December 7, 1846.

A BILL

To Establish the Commercial Bank at Wilmington.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Bank shall be established in the Town of Wilmington, the capital stock of which shall not exceed Three Hundred Thousand Dollars, divided into shares of One Hundred Dollars each; and that, for the purpose of receiving subscriptions for the said stock, books shall be opened on the first day of February, in the year of our Lord eighteen hundred and forty seven, and remain open for the space of sixty days, at the following places, and under the superintendance of the following persons, or a majority of them, viz. At Wilmington, under the superintendance of Bennet Flanner, Wm. Latimer, John McRae, John Dawson, Jno. A. Taylor, Henry Nutt, Edwin A. Anderson, John D. Bellamy, George R. French, Jethro Ballard, Chas. D. Ellis, Joshua G. Wright, James F. McRee, William B.

Giles, Daniel B. Baker, William C. Lord, Edward Kidder, Richard Bradley, Christopher B. Miller, James H. Dickson, Thomas J. Armstrong, Thomas C. Miller, Armand J. DeRosset, Jr. At Smithville, in Brunswick County, John Brown, Sterling B. Everitt, Richard Langdon. At Clinton, Sampson County, A. B. Chesnut, Richard Holmes, Patrick Murphy. At Kenansville, Duplin County, O. R. Keenan, Isaac B. Kelly, Jere. Pearsall. At Goldsboro', Wayne County, James Griswold, Richard Washington, Wm. K. Lane. At Elizabeth Town, Bladen County, Thos. C. Smith, John J. McMillan, H. H. Robinson. At Jacksonville, Onslow County, John A. Averitt, Edward Montfort, Geo. J. Ward.

§ II. *Be it further enacted*, That one fourth of each share shall be paid in Gold or Silver, or their equivalent, to the Commissioners above named, at the time of subscribing; that another fourth shall be paid in Gold or Silver, or their equivalent, to the Directors chosen in the manner hereafter described, within sixty days after the Bank shall have commenced business, and the remainder shall be paid as aforesaid, within nine months after the commencement of its operations; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon, at the rate of six per centum per annum, and his stock shall be forfeited and may be sold by the Bank, and the proceeds applied to the payment of the said deficient instalment, with the interest thereon, and the balance, if any, paid over to said subscriber: *Provided*, That no dividend shall be declared until the whole amount of stock subscribed shall be paid in Gold or Silver, or their equivalent.

§ III. *Be it further enacted*, That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars is actually paid to the Commissioners, the subscribers to the said Bank, their suc-

cessors and assigns, shall be, and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of the "PRESIDENT AND DIRECTORS OF THE COMMERCIAL BANK OF WILMINGTON," and shall so continue until the first day of January, one thousand eight hundred and seventy-two, and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien, and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in Courts of Record or any other place whatsoever: and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and for the making whereof, general meetings of the stockholders may be called in the manner hereafter specified, and generally to do and execute all acts, matters and things, which a corporation and body politic in law, may or can lawfully execute or do, subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

§ IV. *Be it further enacted*, That as soon as one thousand shares shall be taken in the Stock of said Bank, and the required instalments paid to the Commissioners who keep the books, notice thereof shall be given in the Gazettes published at Wilmington, and a meeting of the subscribers to be held ten days at least after the date of the notice shall be called. If at this meeting, those or their agents who have a majority of votes according to the rules hereafter described be present, (if not, another meeting shall be

called,) they shall proceed to the election of nine Directors, who shall take charge of the books and money in the hands of the Commissioners, and immediately pursue the usual means to put the Bank in operation. The said Directors shall remain in office until the first Monday in November, one thousand eight hundred and forty-seven, or until their successors shall be appointed: and on the first Monday in November in each year, or at any time thereafter, meetings of the Stockholders shall be held in the Town of Wilmington, for the purpose of electing Directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

§ V. *Be it further enacted*, That the Bank may go into operation whenever dollars shall have been paid in, and that no dividends on the profits of the Bank shall be declared by the President and Directors, until the whole amount of the Capital Stock subscribed shall be realized to the Bank, in Gold or Silver, or its equivalent.

§ VI. *Be it further enacted*, That the following rules, regulations and provisions, shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present; and every act shall require the sanction of a majority of the votes which may be present; every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting, which shall not have been holden

three calendar months previous to the day of voting. Stockholders may vote at elections and general meetings by proxy, the proxy himself being a stockholder. None but a stockholder who is a citizen of the State, shall be eligible as a Director; and the Directors when appointed, shall choose one of their number (which shall always be nine,) to be President of said Bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the President or Directors shall be granted at the pleasure of the stockholders. Not less than three Directors, of whom the President shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the President, when he may by writing nominate any other Director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of one hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting. The Directors shall annually elect a Cashier, and such other officers as may be necessary to perform the business of the Bank. These officers shall be required to give bonds, with two or more securities, in sums not less than ten thousand dollars, with a condition for good behavior and faithful discharge of duty. The Cashier shall keep a book to contain the proceedings of the Board of Directors, the names of those present, the date and day of each meeting, and shall record the Yeas and Nays on any question when asked for by a Director. This book shall be evidence in Courts of justice against said Bank. And on entering on the discharge of his duties, the Cashier shall take the following oath or affirmation before some Justice of the Peace, by whom it shall be deposited in the office

of the Clerk of the County Court of New Hanover County, viz.: "I, A. B. do solemnly swear, (or affirm, as the case may be,) to keep a just and true record, without alterations in, or erasures of, the transactions of the Board of Directors of the Commercial Bank of Wilmington, in a book to be kept by me for that purpose." In all cases, in addition to the usual personal security, the stock of Directors shall be considered as a pledge for the re-payment of the money, which they may borrow, whether as principal or security. The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments, as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. The said corporation shall neither directly or indirectly trade in any thing except Bills of Exchange, Promissory Notes, and Bonds expressing on the face of them to be negotiable and payable at said Bank, Gold or Silver Bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands, mint certificates, the public debts of the United States, stock of such Bank as may be hereafter established by a law of the United States: *Provided* the investment in such stock shall not exceed one-half of the capital stock of this Bank. Neither shall the said corporation take more than at the rate of six per centum per annum for or upon its loans and discounts; which interest shall be taken in advance at the time of discount. The total amount of the debts which the said corporation shall at any time owe, shall not exceed twice the amount of the stock actually paid in, over and above the sum then actually deposited in the Bank for safe keeping; if

this or any other enactment herein contained be violated, the Directors knowingly and willingly assenting to such violation, shall be deemed to have committed a misdemeanor, and upon conviction in the Superior Court, shall be fined or imprisoned, or both, at the discretion of the Court. If a vacancy in the Directory shall occur, by death, resignation, or otherwise, the remaining Directors shall fill such vacancy, until the succeeding meeting of the stockholders. The stock of said corporation shall be assignable and transferable, according to the rules which shall be instituted in that behalf, by the laws and ordinances of the same. The officer at the head of the Treasury Department of the State, shall be furnished once in six months, with a statement of the amount of capital stock of said corporation, and of the debts due the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the Bank, as shall relate to the said statement: *Provided*, That this shall not be construed into a right of inspecting the accounts of any private individual with the Bank, except of the Directors. The Bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees; and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills or notes, which may be issued by order of said corporation, signed by the President and counter-signed by the Cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not un-

der the seal of said corporation, shall be binding and obligatory on the same, in the like manner and with the like force and effect, as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

§ VII. *Be it further enacted*, That no note shall be issued by the said Bank, under the denomination of Three Dollars, and if any person or persons holding any note or notes of said Banks, shall present the same for payment, and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said Bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of the said Bank, if not paid on demand, may bring an action of assumpsit against one or all of the Directors, who may have consented to issue more than twice the capital stock paid in: *Provided*, that the Bank be not able to pay the amount.

§ VIII. *And be it further enacted*, That in case of an insolvency of the Bank hereby created, or ultimate inability on the part of this corporation to pay, the individual stockholders shall be liable to creditors in sums double the amounts of stock by them respectively held in said corporation.

§ IX. *Be it further enacted*, That the Directors shall be allowed to keep open the subscription books until the whole stock shall be taken.

§ X. *Be it further enacted*, That if a Director, or any other officer, agent, or servant of said corpora-

tion, shall embezzle any of the Funds belonging to the said Bank, with intent to defraud said corporation, or make false entries upon the books of said Bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent, or servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine at the discretion of the Court, and imprisonment not exceeding five years.

§ XI. *Be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note in imitation of, or purporting to be a bill or note issued by order of the President and Directors of the Commercial Bank of Wilmington, or any order or check upon said Bank or corporation, or any Cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or wittingly aid or assist in falsely altering any bill or note issued by order of the said corporation, or any order or check on said Bank, or any cashier thereof, or shall pass or receive with intent to pass, utter, or publish as true, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by order of the said corporation, or any false, forged, or counterfeited order or check, upon the said Bank or any Cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass or receive with intent to pass, or attempt to pass, utter, or publish as true, any falsely altered bill or note, issued by order of the said Bank, or any falsely altered order or check on said Bank, or any Cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation, or any other body politic, or person or persons, every such person shall be deemed guilty of felony, and being thereof convicted by due course

of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

§ XII. *Be it further enacted*, That the President or Cashier of the said Bank shall annually pay into the Treasury of the State, twenty-five cents on each share of said capital stock, which may have been subscribed for and paid in; and the first payment of said tax shall be made twelve months after the said Bank shall have commenced operations; and the said Bank shall not be liable to any further tax.

§ XIII. *Be it further enacted*, That the Directors of said Bank may declare, semi-annually, dividends of the profits thereof; and if at any time more than the real profits be divided, the Directors assenting thereto shall be responsible in their private capacities, to creditors who have claims against the said institution.

§ XIV. *Be it further enacted*, That the President of this Bank shall, in the first week in December in each and every year, transmit to the General Assembly a full statement of the condition of the Bank—exhibiting the amount of capital, notes in circulation, debts due to other Banks, and to what Banks—deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other Banks, other funds specially enumerated, debts due from other Banks, and what Banks, bills of exchange, debt on bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from Directors, not however using any person's name in either case, and amount of real estate.

§ XV. *Be it further enacted*, That if any President, Director, Cashier, Clerk, or other officer of the afore-

said Bank, shall knowingly, wittingly, and with intent to deceive, make or cause to be made, or connive at making any false return, statement, or exhibit of the condition of the Bank, either to the Treasury of the State, to the Legislature, to the Board of Directors, or to the stockholders, or to any other person or persons that may be authorized by the Legislature, or by the stockholders, to receive the same, such President, Director, Cashier, Clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor in the Superior Courts, and upon conviction shall be fined at the discretion of the Court, and imprisoned not exceeding one year.

§ XVI. *Be it further enacted*, That whenever the Legislature may be of opinion that the Charter of the corporation hereby granted shall have been violated, it may be lawful by joint Resolution, to direct the Attorney General, with such assistant council as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the Judges of the Supreme Court of the State, calling upon said corporation to shew cause why the Charter hereby granted shall not be forfeited—subject to the same proceedings as are now prescribed by law, as in cases of other corporations.

§ XVII. *Be it further enacted*, That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than three hundred thousand dollars shall be subscribed by individuals, or bodies corporate, it shall be lawful for the Commissioners to reduce such subscriptions, according to a scale by them to be established for that purpose, to the aforesaid sum of three hundred thousand dollars: *Provided*, that no subscription of two shares, or under,

shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

§ XVII. *Be it further enacted*, That this Act shall be in force from and after its ratification.

HOUSE OF COMMONS DOCUMENT, NO. VII.

REPORT

OF

THE COMMITTEE

OF

INTERNAL IMPROVEMENT,

ON THE

Memorial of Francis E. Rives, &c.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on Internal Improvement, to whom was referred the Memorial of Francis E. Rives, of the State of Virginia, and also a Bill to incorporate "the Roanoke Rail Road Company," have considered the same, and have instructed me to

REPORT:

As the memorial and bill relate to the same subject, the Committee have concluded to present their views, in regard to both, in the same report. The object of the memorialist is, to obtain corporate privileges, and to use for purposes of transportation, so much of the Rail Road lately belonging to the Portsmouth and Roanoke Rail Road Company, as he claims to belong to him in the County of Northampton. The purpose of the bill is to incorporate a Company, to establish a Rail Road from the town of Weldon in the County of Halifax, to the line of the State of Virginia, in the direction of Norfolk in that State, which, in all probability, must pursue the route contemplated by the memorialist. The bill also proposes to authorize the construction of a Rail Road from the said town of Weldon to the Raleigh and Gaston Rail Road.

The Committee entertain no doubt, that it is of very great importance to a large portion of the good people of this State, that the Rail Road in question, from Weldon to the Virginia line, should be established, so as to connect with the present Rail Road, extending from the proposed terminus of that Road, to the town of Portsmouth, near Norfolk. The great advantages of such a connection, as well to the people of the Roanoke valley, above the falls of that River, as to the inhabitants residing in most of the Counties in this State, lying between the river Roanoke and Albermarle Sound, on the one side, and the State of Virginia, on the other, are so obvious, that the Committee deem it altogether unnecessary to dwell upon them, as they believe hardly any difference of opinion can exist on the subject. The necessity and advantage of extending the said Rail Road to the Raleigh and Gaston Rail Road, is considered equally plain and obvious. The only question then remaining to be determined, is, whether the privilege of making the said Road should be granted to the memorialist, Mr. Rives, a citizen of Virginia, or to certain citizens within our own State, who seek to obtain this privilege. Mr. Rives' claim to construct this Road, is founded on the consideration, that under a decision of the Supreme Court of this State, he is the owner of so much of the Rail Road formerly belonging to the Portsmouth and Roanoke Rail Road Company, as extends from the northern end of the Weldon bridge to Margarettsville, being a distance of about fourteen miles. Under a contract made by Mr. Rives with the Petersburg Rail Road Company, about eighteen month since, it is stipulated that the said Road shall not be used as a Road of transportation, and for this *non user* of his portion of the Road, he is to receive a stipulated sum, from year to year, until the same shall amount to sixty thousand dollars. *Provided*, in the mean time, the said Road shall not be revived and again put in operation by law or otherwise. In this contract with the Petersburg Rail Road Company, the following provision is

found: "*And whereas*, it is of great importance to the Stockholders in the Petersburg Rail Road Company, of which the State is one to the extent of $323,500, to prevent the completion of any such plan—(referring to the revival of the Portsmouth Rail Road) as is above specified, and the said *Rives* being willing, for a reasonable compensation, to prevent his portion of the said Road from being used, with his consent, for the purposes aforesaid, the following stipulations have been agreed upon by and between the parties to these presents." It is thus very apparent, that both the Petersburg Rail Road Company and Mr. Rives, are materially interested in preventing the revival of the Portsmouth Road, and as a necessary consequence, opposed to authority being granted to other persons for that purpose. The Committee are willing to admit that Mr. Rives made his application to the present General Assembly, in good faith, and with the intention of reviving his portion of said Road, if authority for that purpose should be granted to him. It is true, nevertheless, that if he can obtain greater compensation from the Petersburg Rail Road Company, for permitting his Road to lie idle than he can reasonably expect to realize from going to the heavy expense of fitting it up for the purposes of transportation, it is no imputation upon him to suppose that he will prefer the former; and, if so, the public would be deprived of the benefits to be derived from the revival of the Portsmouth and Roanoke Rail Road. Besides, if nothing more be granted to him than what is prayed for in his memorial, no great benefit can enure either to Mr. Rives, or the public, by such grant; because he is not the proprietor of the whole Road from Weldon to the Virginia line. He would be cut off from any communication between Weldon and the commencement of his Road, by the ownership in others of that portion lying between those points; and he would again be cut off from reaching the Virginia line, after arriving at Margarettsville, being a distance of two and a half miles of road owned by others.

Your Committee, therefore, can see no probable benefit to result to the public by granting the prayer of the memorialist, and, therefore, recommend its rejection. And, indeed, if Mr. Rives owned the whole Road from Weldon to the Virginia line, true State policy would dictate the propriety of giving preference to our own citizens in establishing the contemplated road, rather than to citizens of another State. The Committee therefore report back the bill referred to them, entitled "a bill to incorporate the Roanoke Rail Road Company," and recommend its passage.

Respectfully submitted,

K. RAYNER, Chairman.

PETITION

OF

FRANCIS E. RIVES,

Praying for certain Rail Road powers.

To the Honorable, the General Assembly
of North Carolina:

THE PETITION OF FRANCIS E. RIVES, Respectfully sheweth,

That he is proprietor of all that portion of the Portsmouth and Roanoke Rail Road, lying between Margarettsville and the Weldon Bridge in the County of Northampton, (N. C.) That recently all the residue of the Portsmouth and Roanoke Rail Road, has been sold under an Act of the Legislature of Virginia, and has been purchased by the Board of Public Works of the same State;

that in order to re-establish the said road, and put it in operation as formerly, for the purposes of transportation, some new legislation will be requisite; and it must then, be important to the proprietors of the other portion of the road, that they shall be able to acquire by purchase, or by some contract for the joint use of it, all that part which belongs to your petitioner as aforesaid. In any such event, it will be very desirable to your petitioner, to have complete legal power to use his portion of the road, so as to complete the connexion between Portsmouth and Weldon—either by a sale thereof to any new company, or by a special contract to use it, on joint account in some manner which may be agreed upon; or to obtain as his associates in the undertaking, such persons as may be willing to form a Company with him for the purpose of improving and using it, as a rail road for the transportation of persons and property.

Your petitioner therefore, most respectfully prays your honorable body, that an Act may be passed, conferring on him such rights and powers as may be requisite for the purposes aforesaid; and that he may be placed in relation to his portion of the road, in the same condition, in all respects, as the present Portsmouth and Roanoke Rail Road Company now stand, or as any other Company, hereafter incorporated, may occupy; and subject, of course, to all the liabilities and restrictions to which such other Company may be subject; and your petitioner will ever, &c.

FRANCIS E. RIVES.

A BILL

TO INCORPORATE

The Roanoke Rail Road Company.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful to open books in the City of Raleigh under the direction of Richard Smith, George W. Mordecai, William C. Tucker, William Boylan, Wesley Hollister,

At Franklinton, under the direction of

At Henderson, under the direction of John S. Eaton, George J. Reavis, Wesley W. Young, John L. Henderson and Daniel A. Paschall, or any three of them; At Oxford, under the direction of Russell Kingsbury, Dr. John R. Herndon, Robert W. Lassiter, James C. Cooper, Leslie Gilliam and Lunsford A. Paschall, or any three of them; At Warrenton, under the direction of William Eaton, George D. Baskervill, Weldon N. Edwards, John Goodrum, Stephen Davis, William Plummer, and Robert W. Hyman, or any three of them; At Weldon, under the direction of Thomas T. Wiatt, John Campbell, L. M. Long, Benjamin J. Spruill, James Simmons, and Benjamin W. Bass, or any three of them; At Jackson, under the direction of Samuel Calvert, Herod Faison, David A. Barnes, John Randolph, William Gray, and J. M. S. Rogers, or any three of them; At Murfreesboro', under the direction of John W. Southall, W. N. H. Smith, Richard G. Cowper, Lewis M. Cowper, John W. Harrell, Uriah Vaughan, John G. Wilson, and Robert Parker, or any three of them; and at Edenton, under the direction of James C. Johnston, Joseph B. Skinner, James D. Wynn, Dr. William C. Warren, Dr. Thomas D. Warren, John Cox, John M. Jones, Thomas S. Hoskins, Robert R. Heath, Malachi Haughton, Augustus Moore and William Bradham, or any three of them, and at such other places, and under the direction of such other persons as any three of the Commissioners herein before named, to superintend the receiving of subscriptions at Weldon, shall direct; for the purpose of receiving subscriptions to an amount not exceeding two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of effecting a communication by Rail Road, from the Town of Weldon to the line of the State of Virginia, in the neigh-

borhood of Margarettsville, and for providing every thing necessary and convenient for the purpose of transportation on the same.

§ II. *Be it further enacted*, That the times and places for receiving subscriptions, shall be advertised in one or more newspapers, published in the City of Raleigh, and Towns of Warrenton, Oxford, Halifax and Edenton, and the books for receiving the same shall not be closed in less than thirty days; and if it shall appear that more than two thousand shares of the capital stock aforesaid shall have been subscribed for within the same thirty days, it shall be the duty of the said Commissioners at Weldon, or any five of them, to reduce the number of shares subscribed for among the subscribers in fair and equal proportions, to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to two thousand; but if the whole amount shall not be subscribed for within thirty days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued opened, or closed and re-opened, without farther notice, as a majority of the above named Commissioners at Weldon may judge to be most expedient, until the whole number of shares shall be subscribed.

§ III. *Be it further enacted*, That when seven hundred and fifty shares shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators, or assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of the Roanoke Rail Road Company, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, real, personal, and mixed, so far as shall be necessary for the purpose hereinafter mentioned, and no further; and shall have perpetual succession, and by said cor-

porate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this Act; and may make all such by-laws, rules, and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for well ordering and conducting the affairs of the Company.

§ IV. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said Commissioners or their agents appointed to receive such subscriptions, the sum of two dollars on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the President and Directors of said Company. The said Commissioners or their agents shall forthwith, after the first election of President and Directors of the Company, pay over to the said President and Directors, all moneys received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion on ten days' previous notice in the Court of Pleas and Quarter Sessions, or the Superior Court of Law of any County wherein such Commissioner or Commissioners, their executors or administrators, may reside, or by a warrant before a justice of said county.

§ V. *Be it further enacted*, That when thousand shares or more of the stock shall have been subscribed, public notice of that event shall be given by three or more of the said Commissioners at Weldon, who shall have power at the same time to call a general meeting of the subscribers at such convenient

place and time, as they shall name in said notice. To constitute any such meeting, a number of persons, entitled to a majority of all the votes which could be given upon all shares subscribed, shall be present either in person or by proxy: and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn, from time to time, until a meeting shall be formed.

§ VI. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a President and five Directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be chosen; but the President or any of the Directors may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of the votes given at any general meeting. The President, with any two or more of the Directors, or in the event of the sickness, absence or disability of the President, any three or more of the Directors, who shall appoint one of their own body President *pro tempore*, shall constitute a board for the transaction of business. In case of vacancy in the office of President, or any Director, happening from death, resignation, removal, or disability, such vacancy may be supplied by appointment of the board until the next annual meeting.

§ VII. *Be it further enacted*, That the President and Directors of the said Company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair, and maintaining of a Rail Road to be located as aforesaid, with as many sets of tracks as they, or a majority of them may deem necessary, and may cause to be made, and also to make and continue all works whatever, which

may be necessary and expedient, in order to the proper completion of the said Rail Road.

§ VIII. *Be it further enacted*, That the said President and Directors shall have power to make contracts with any person or persons, on behalf of the Company for making said Rail Road, and performing all other works respecting the same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money on their respective shares, as the wants of the Company may demand, until the whole of their subscriptions shall be advanced, to call, on any emergency, a general meeting of the subscribers, giving one months' notice thereof in one of the newspapers published in the City of Raleigh; to appoint a Treasurer, Clerk, and such other officers as they may require, and to transact all the business of the Company during the intervals between the general meetings of the stockholders.

§ IX. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the newspapers published in the city of Raleigh, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid: and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover

the balance of the original proprietor or his assignee, or the executor or administrator of either of them, by suit in any Court of record having jurisdiction thereof, or by warrant before a Justice of the County, of which he is a resident; and any purchaser of the stock of the Company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietors.

§ X. *Be it further enacted*, That if the capital stock of the Company hereby incorporated, shall be found insufficient for the purpose of this Act, it shall and may be lawful for the President and Directors of the said Company, or a majority of them, from time to time, to increase the said capital stock to an amount not exceeding four hundred thousand dollars, by the addition of as many shares as they may deem necessary, first giving to the individual stockholders, for the time being, or their legal representatives, the option of taking such additional shares in proportion to the amount of stock respectively held by them, and opening books of subscription in the City of Raleigh, and Towns of Franklinton, Henderson, Warrenton, Weldon, Jackson, Murfreesboro', and Edenton, as is herein prescribed for the original stock of the Company, for any balance of capital stock created, which may not be taken by the stockholders for the time being, or in their behalf; and the subscribers, for such additional shares of the capital stock in the said Company, are hereby declared to be thenceforward incorporated into the said Company, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

§ XI. *Be it further enacted*, That

§ XII. *Be it further enacted*, That the said President and Directors, their officers, agents and servants, shall have full power and authority, to enetr upon all lands and tenements, through which they may desire to conduct their Rail Road, and to lay out the same according to their pleasure, so that the dwelling-house, kitchen, yard or garden of no person be invaded without his consent; and they shall have power to enter in and lay out such contiguous land, as they may desire to occupy, as sites for depots, toll houses, ware-houses, engine sheds, work shops, water stations, and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and other cattle, and for the protection of the property entrusted to their care, *Provided*, that the land so laid out on the line of the Rail Road shall not exceed (except at deep cuts and fillings) eighty feet in width; and that the adjoining lands for the sites of buildings (unless the President and Directors can agree with the owner or owners for the purchase of the same) shall not exceed one and a half acre in any one parcel. If the President and Directors cannot agree with the owner or owners of the lands so entered on and laid out by them, as to the terms of the purchase, it shall be lawful for them to apply to the Court of Pleas and Quarter Sessions of the County in which such land, or the greater part thereof may lie; and upon such application, the Court shall appoint five disinterested and impartial free-holders to assess the damages to the owner from the condemnation of the land, for the purpose aforesaid No such appointment, however, shall be made, unless ten days previous notice of the application shall have been given to the owner of the land, or to the guardian, if the owner be an infant, or to the committee, the owner being *non compos mentis*, if such owner, guardian or committee, can be found within this country, or if he cannot be so found, then such appointment shall not

be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day at least of the next preceding term of the said Court. A day for the meeting of the said freeholders to perform the duty assigned them, shall be designated in the order appointing them; and any one or more of them attending on the day, may adjourn from time to time until their business shall be finished. Of the five freeholders so appointed, any three or more of them may act, after having been duly sworn or solemnly affirmed before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land, from the consideration thereof, for the use of the Company, and that they will truly certify their proceedings thereupon to the Court of the said County.

§ XIII. *Be it further enacted*, That it shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same and hearing such proper evidence as the party may offer, they shall ascertain, according to their best judgment, the damages which the proprietor of the land will sustain by the condemnation thereof for the use of the Company. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole *fee simple* interest therein. They shall take into consideration the quality and quantity of the land to be condemned, the additional fencing that will be required thereby, and all other inconveniences which will result to the proprietor from the condemnation thereof.

§ XIV. *Be it further enacted*, That when the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as follows: "We, freeholders, appointed by an order of the Court of Pleas and Quarter Sessions. for the purpose of ascertaining the damages that will be sustained by the proprietor of certain lands in the said County, which the President and Directors of the Roanoke Rail Road Company propose to condemn for their use, do hereby certify that we met together, on the land aforesaid, on the day of , the day appointed therefor by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting, by the said order,) and that having been first duly sworn, and having visited the premises, we proceeded to estimate the quantity and quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation, and all other inconveniences which seemed to us likely to result therefrom to the proprietor of said land: That under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of . Given under our hands and seals, this day of ." At the foot of the report so made, the magistrate before whom the said freeholders were sworn, shall make a certificate in substance as follows: " County, set: I, a Justice of the Peace of said County, do hereby certify that the above-named freeholders, before they executed their duties as above certified, were solemnly sworn (or affirmed.) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above-named , by the condemnation of the above-mentioned land for the use of the

Roanoke Rail Road Company, and that they would certify truly to their proceedings thereupon to the Court of said County. Given under my hand, this day of ."

§ XV. *Be it further enacted*, That the report of the freeholders so made, together with the certificate of the Justice of the Peace, as aforesaid, shall be forthwith returned by the said free-holders, to the Court of the County, and unless good cause be shown against the report, it shall be confirmed by the Court and entered on record. But if the said report should be disaffirmed, or if the said free-holders being unable to agree, should report their disagreement, or if from any other cause they should fail to make a report within a reasonable time after their appointment, the Court may, at its discretion, as often as may be necessary, supersede them, or any of them, appoint others in their stead, and direct another view and report to be made in the manner above prescribed.

§ XVI. *Be it further enacted*, That on the confirmation of any such report, and on payment or tender to the proprietor of the land, of the damages so assessed, or the payment of said damages into Court, when for good cause shown, the Court shall so have ordered it, the land reviewed and assessed as aforesaid, shall be vested in the Roanoke Rail Road Company, and they shall be adjudged to hold the same in fee simple, in the same manner as if the proprietor had sold and conveyed it to them.

XVII. *Be it further enacted*, That while these proceedings are depending, for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been instituted, the President and Directors, if they think that the interest of the Company requires it, may, by themselves, their officers, their agents and servants,

enter upon the lands laid out by them as aforesaid and which they desire to condemn and apply the same to the use of the Company. If when they so take possession, procedings to ascertain the damages as aforesaid, be pending, it shall be their duty diligently to prosecute them to a conclusion. And when the report of the free-holders, ascertaining the damages shall be returned and confirmed, the Court shall render judgment in favor of the proprietor of the land, for the amount thereof, and either compel its payment into Court, or award a process of execution therefor, as to them shall seem right.

§ XVIII. *Be it further enacted*, That in the mean time, no order shall be made, and no injunction shall be awarded by any Court or Judge, to stay the proceedings of the Company in the prosecution of their work, unless it be manifest that their officers, agents and servants are transcending the authority given them by this Act, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated for in damages.

§ XIX. *Be it further enacted*, That if the President and Directors shall take possession of any land before the same shall have been purchased by them, or condemned and paid for according to the provisions of this Act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute with due diligence the proceedings commenced for that purpose, it shall be lawful for the proprietor of the land, upon giving to the said President and Directors, or any one of them, ten days previous notice, to apply to the Court of the County in which the land or the greater part thereof shall lie; and upon such application, the Court shall appoint five disinterested and impartial freeholders to assess the damages to owner from the condemnation of his land for the use

of the Company, shall appoint a day for their meeting to report the duties assigned them, and shall dismiss, at the cost of the Company, any proceeding then depending on their behalf for the condemnation of the said land. The freeholders so appointed, or any three or more of whom may act, shall proceed in the performance of their duties, in all respects in the same manner as if they had been appointed on the application of the President and Directors of the Company. And the Court shall in like manner confirm or disaffirm their report, supersede them or any of them, and appoint others in their stead, or direct another view and report to be made, as often as may be necessary. And when such report ascertaining the damages shall be confirmed, the Court shall render judgment in favor of the proprietor for the damages so assessed, and double costs, and shall thereupon either compel the Company to pay into Court the damages and costs so adjudged, or award a process of execution therefor, as to them shall seem right.

§ XX. *Be it further enacted*, That when the judgment rendered for the damages assessed and costs, shall be satisfied by the payment of the money into Court, or otherwise, the title of the land for which such damages are assessed, shall be vested in the Company in the same manner as if the proprietor had sold and conveyed it to them.

§ XXI. *Be it further enacted*, That the said President and Directors, for the purpose of constructing their Rail Road aforesaid, and the works necessarily connected therewith, or of repairing the same after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty, by themselves, their officers, agents, or servants, at any time to enter upon any adjacent lands, and to cut, quarry,

dig, take, and carry away therefrom, any wood, stone, gravel or earth, which they may deem necessary. *Provided, however*, that they shall not, without the consent of the owner, cut down any fruit tree, or any tree preserved in any lot or field for shade or for ornament; nor take, any gravel, timber, stone or earth constituting any part of any fence or building. For all wood, stone, gravel or earth taken under authority of this Act, and for all incidental injuries done to the enclosures, crops, woods or grounds in taking or carrying away the same, the said President and Directors shall make the owners a fair and reasonable compensation, to be ascertained if the parties cannot agree, by any three disinterested and impartial freeholders, who, being appointed for that purpose by any Justice of the Peace thereto required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view, of the wood, stone, gravel, or earth taken, and of the injury done as aforesaid, in taking them: *Provided, however*, that it shall be the duty of the owner or owners to show to the Justices of the Peace to whom the application is made, that ten days' previous notice of the time of making the same has been given to the President or one of the principal agents of the Rail Road Company; and no award which may be given under any appointment without such notice, shall be obligatory or binding on said Company. *Provided, however*, that either party, not satisfied with the award which may be given as above, may appeal to the Court of Pleas and Quarter Sessions of the County in which the land may be situated, who may, as in the case of assessment of land, confirm or disaffirm the report of the freeholders, supersede them or any of them, and appoint others in their stead, or direct another view and report to be made as often as may be necessary.

§ XXII. *Be it further enacted*. That if the said

President and Directors, in entering upon the land of any person under the authority of this Act, for the purpose of laying out or constructing, enlarging, altering, or repairing any of their said works, shall, by themselves or their officers, do any wanton or wilful injury to such land or its appurtenances, or to the crops growing or gathered, or to any other property thereon, the Roanoke Rail Road Company shall pay to the person so injured, double the amount of damages, which shall be assessed by a jury in any proper action therefor; or if said injury be done by any person or persons, who may have contracted with the Company for the construction of any portion of their Rail Road, or any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

XXIII. *Be it further enacted*, That whenever in the construction of said Rail Road, it shall become necessary to cross or intersect any established road or way, it shall be the duty of the said President and Directors, so to construct the said Rail Road across such establishished roads or ways, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual, a proper wagon way across said Rail Road, from one part of his land to the other. *Provided however*, that in order to prevent the frequent crossing of established roads or ways, or in cases in which it may be necessary to occupy the same, it may be lawful for the said President and Directors to change the said roads to points where they may deem it expedient to do so. And that for entering upon, or taking any land which may be necessary therefor, they shall be, and are hereby authorized to proceed under the provisions of this Act, as in the case of land necessary for their Rail Road. *Provided further*, that previous to the

making of any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed, as to make it incumbent on the Company to keep in repair the portion of any road which they may have changed as aforesaid.

§ XXIV. *Be it further enacted*, That the said President and Directors, or a majority of them, shall have power to purchase, with the funds of the Company, and place on the Rail Road constructed under this Act, all machines, wagons, vehicles, carriages, and teams of any description whatsoever, which they deem necessary or proper for the purpose of transportation. Or if they should deem it not expedient to do so, they may contract with any other Rail Road Company or Companies, or with any individual or individuals, for effecting the transportation of the same.

§ XXV. *Be it further enacted*, That all machines, wagons, vehicles, and carriages, purchased as aforesaid, with the funds of the Company, or engaged in the business of transportation on the said Rail Road, and all the works of the said Company constructed, or property acquired under the authority of this Act, and all profits which shall accrue from the same, shall be vested in the respective Stockholders of the Company forever, in proportion to their respective shares; and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatsoever, for the term of fifteen years; and thereafter, the Legislature may impose a tax not exceeding twenty-five cents per annum per share, on each share of the capital stock, whenever the annual profits thereof shall exceed six per cent.

§ XXVI. *Be it further enacted*, That upon the Rail Road hereby authorized, the Company shall have the

exclusive right of transportation. When it is completed, they shall at all times furnish and keep in good repair the necessary carriages and other requisites for the safe and convenient transportation of persons and property; and it shall be their duty at all times, upon the payment or tender of the tolls hereby allowed, to transport to any depot on the road which the owner of the goods may indicate, and there to deliver all articles which shall be delivered to them for transportation, or offered to them in proper condition to be transported, at some depot on the road most convenient for the reception thereof.

§ XXVII. *Be it further enacted*, That they shall give no undue preference in transportation to the property of one person over that of another, but as far as practicable, shall carry each in the order of time in which it shall be delivered or offered for transportation, with the tolls paid or tendered. If the Company, or any of its officers or agents, shall fail to receive, transport, or deliver in due time, any property so offered or delivered to them for transportation, or shall fail to take up or set down any passenger or passengers, at such convenient point as he or they may desire, upon the payment or tender of the passage money hereby allowed, they shall forfeit and pay to the party so injured, double the amount of the lawful toll paid or tendered, and shall, moreover, be liable to an action on the case, in which full damages and double costs shall be recovered.

§ XXVIII. *Be it further enacted*, That so soon as any portion of Rail Road hereby authorized shall be in readiness for transportation, it shall be lawful for the said President and Directors to transport, by their officers or agents, or by contractors under them, persons and property on the same; and they shall have power to charge for the transportation of persons,

goods, produce, merchandize, and other articles, and for the transportation of the mail, any sum not exceeding the following rates, viz: On persons, not exceeding six cents per mile for each person, unless the distance which any person be transported, be less than ten miles, in which case, the President and Directors may be entitled to make an extra charge of fifty cents for taking up and putting down each person so transported; for the transportation of goods, produce, merchandize, and other articles, not exceeding an average of ten cents per ton per mile, and for the transportation of the mail, such sums as they may agree for; and the said President and Directors shall be furthermore entitled to demand and receive for the weighing, storage, and delivering of produce and other commodities at their depots and warehouses, rates, not exceeding the ordinary warehouse rates charged for such services.

§ XXIX. *Be it further enacted*, That if the said President and Directors shall deem it advisable to construct the bridges which may be necessary on the line of their Rail Road, of sufficient width to admit of the passage of common roads as well as their Rail Roads over the same, they may be entitled to demand and receive from all persons and wagons, carriages, and all four and two wheeled vehicles, and for all beasts of burden, sheep and hogs, passing the same, the tolls which may be allowed by the Court of Pleas and Quarter Sessions of the County in which the said bridge may be.

§ XXX. *Be it further enacted*, That as soon as ten miles of the Rail Road hereby authorized shall be completed the President and Directors shall annually or semi-annually declare and make such dividend as they may deem proper, of the nett profits arising from the resources of the said Company, after deducting

the necessary current and probable contingent expenses of the said Company; and shall divide the same among the proprietors of the stock of said Company, in proportion to their respective shares.

§ XXXI. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said Company, shall be held at such time and place in each year, as the stockholders at their first general or at any subsequent meeting may appoint; to constitute which, or any general meeting called by the President and Directors, according to the provisions of this Act, the presence of the proprietors entitled to a majority of all the votes, which could be given by all the stockholders, shall be necessary either in person or by proxy properly authorized. And if a sufficient number do not attend on that day, or any day appointed for a general meeting, called by the Directors as aforesaid, the proprietors who do attend, may adjourn from time to time, until a general meeting shall be had.

§ XXXII. *Be it further enacted*, That in counting all votes of the said Company, each member shall be allowed one vote for each share not exceeding two shares, one vote for every two shares above two and not exceeding ten shares, and one vote for every five shares above ten, by him held at the time, in the stock of the Company: *Provided however*, That no stockholder, whether an individual, body politic or corporate, shall be entitled to more than sixty votes on any amount of the capital stock of said Company held by him or them.

§ XXXIII. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings, and disbursements of money, to the annual meeting of the stockholders.

§ XXXIV. *Be it further enacted*, That the works hereby required of the Roanoke Rail Road Company, shall be executed with diligence, and if they be not commenced within two years after the passage of this Act, and finished within ten years after the first general meeting of the stockholders, then this charter shall be forfeited.

§ XXXV. *Be it further enacted*, That the President and Directors shall cause to be written or printed, certificates for the shares of the stock in said Company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, to each person for the number of shares subscribed by him, which certificate shall be transferable by him, subject however to all payments due or to become due thereon; and such assignee having caused the transfer or assignment to be entered into a book of the Company to be kept for the purpose, shall thenceforth become a member of the said Company, and shall be liable to pay all sums due, or which shall become due upon the stock assigned to him: *Provided however*, that such assignment shall in no wise exempt the assignor, or his representative from the liability to the said Company for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same.

§ XXXVI. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatever, injure, impair, or destroy any part of the Rail Road constructed under this Act, or any of the necessary works, machines, wagons, vehicles, carriages, or other property belonging to the said Company, or shall place any obstruction upon said Road, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof in the Court of Pleas and Quar-

ter Sessions, or Superior Court of Law of the County where the offence may be committed, shall be fined and imprisoned at the discretion of the Court.

§ XXXVII. *Be it further enacted*, That if at any time hereafter, the above rates for tolls and transportation shall enable the said President and Directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repairs of the said road, ware-houses and depots, and other constructions, and of the machines, cars and other vehicles for transportation, to divide more than fifteen per cent. on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said President and Directors, as to enable them to divide fifteen per cent. and no more.

§ XXXVIII. *Be it further enacted*, That no person shall be eligible as President or Director of said Company, unless he be a resident citizen of this State.

§ XXXIX. *Be it further enacted*, That it shall be the duty of the President of said Company, in the first week in December of each and every year, to transmit to the General Assembly a correct statement of the receipts and expenditures of said Company during the year preceding.

§ XL. *Be it further enacted*, That when the General Assembly may be of opinion that the charter hereby granted shall have been violated, it may be lawful, by joint resolution of the two Houses, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the Judges of the Supreme Court, calling upon said corporation to show cause why their charter shall not be forfeited, subject to the same proceedings

as are now prescribed by law in case of other corporations.

§ XLI. *Be it further enacted*, That any Rail Road which may hereafter be constructed by the State or by any Company incorporated by the Legislature, shall be at liberty to cross the road hereby allowed to be constructed, upon a level or otherwise, as may be most advantageous: *Provided* the free passage of said Roanoke Rail Road is not thereby obstructed.

§ XLII. *Be it further enacted*, That whenever the said Rail Road shall be so crossed or approached by any other Rail Road incorporated by this State, the said Roanoke Rail Road Company may erect a depot at or near the point of intersection, where they may receive and deliver passengers and freight, and take therefor the same rates of compensation, and be subject to the same regulations as at other depots; and should they fail or refuse to erect such depots, the State or Company owning the intersecting Road may erect one; and the Company hereby incorporated shall receive and deliver passengers and freight at such depots, under the same regulations as aforesaid, unless the same shall be rendered impracticable by the situation of the Road at such place.

§ XLIII. *Be it further enacted*, That the corporate powers herein granted, shall be and enure for ninety years, and no longer, unless renewed by competent authority.

§ XLIV. *Be it further enacted*, That it shall be lawful for the said Roanoke Rail Road Company to extend the Rail Road contemplated to be constructed under the provisions of this Act, from the said town of Weldon to such point on the Raleigh and Gaston Rail Road, as the said Roanoke Rail Road Company, through their President and Directors, may deem

most useful and expedient; and for this purpose, they are hereby invested with all the powers, privileges, rights and benefits conferred on the said Company for constructing and using the Road herein authorized to be made from the said town of Weldon, to the line of the State of Virginia, in the neighborhood of Margarettsville; and the said Company shall be subject to all the restraints, regulations, liabilities and requirements imposed by the preceding sections of this Act, in making the said Road from the said town of Weldon to the Raleigh and Gaston Rail Road.

HOUSE OF COMMONS DOCUMENT—NO. VIII.

LETTER

FROM

THE PRESIDENT

OF

The Petersburg Rail Road Company.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE
1846.

OFFICE OF PETERSBURG R. R. Co.
Dec. 4, 1846.

HON. E. STANLY,

Speaker of the House of Commons:

SIR:—By instruction of our Board of Directors, I enclose you a copy of their proceedings of this date, with a respectful request that you will lay the same before the Honorable body over which you preside.

I remain with great respect,

Your obedient servant,

H. D. BIRD, *President.*

PROCEEDINGS.

At a meeting of the Board of Directors of the Petersburg Rail Road Company, held December 4th, 1846, the following Preamble and Resolutions were adopted

Whereas, it is expected that the General Assembly of the State of North Carolina will, during its present session, charter a Company for the extension of either the Wilmington and Raleigh Rail Road, or Raleigh and Gaston Rail Road, or both of them, improvements in which this Company is much interested. *And Whereas*, the Stockholders of this Company may be disposed to aid in the important undertaking: Be it therefore

Resolved, That it is expedient to make application to the Legislatures of North Carolina and Virginia, to authorize this Company to raise by a Loan, or an increase of their Capital Stock, an amount not exceeding $500,000, for the purpose of subscribing to the Stock of the Company or Companies, chartered as aforesaid, or to aid them in such manner as may be deemed most expedient by the Stockholders of this Company.

Resolved, That the President of this Company be, and he is hereby instructed to transmit copies of these Resolutions to the Speakers of the two Houses of the General Assembly of the State of North Carolina, with a respectful request that the same be laid before the bodies over which they preside; and that he furthermore furnish a copy to the Representative of this Town in the House of Delegates of Virginia, and ask his aid in furtherance of the object contemplated.

A true copy from the Minutes of the Board of Directors.

H. D. BIRD, *President.*

HOUSE OF COMMONS DOCUMENT—NO. IX.

A BILL

REGULATING

LIMITED COPARTNERSHIPS.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That limited partnerships for the transaction of any mercantile, commercial, mechanical, manufacturing, mining, or agricultural business within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this Act shall not be construed to authorize any such partnership for the purpose of banking, or making insurance.

§ II. *Be it further enacted,* That such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners, and of one or more persons who shall contribute in actual cash, a specific sum, as capital to the common stock, who shall be called special partners, and who shall not be liable for debts of the copartnership beyond the fund so contributed by him or them to the capital, except as hereinafter provided.

§ III. *Be it further enacted.* That the general partners only shall be authorized to transact business, to sign for the partnership, and to bind the same.

§ IV. *Be it further enacted,* That persons desirous of forming such partnerships, shall make out severally sign by themselves, or attornies in fact, a certificate which shall contain, 1st. The name of the firm under which such partnership is to be conducted; 2d, the general nature of the business intended to be transacted; 3d, the names of all the general and special partners inserted therein, distinguishing which are *general* and which are *special* partners, and their respective place of residence; 4th, the amount of capital which each special partner shall have contributed to the common stock; 5th, the period at which the partnership is to commence, and the period at which it shall terminate, and when made by such attorney in fact, the power of attorney, duly authenticated, shall be recorded along with such certificate.

§ V. *Be it further enacted,* That the certificates shall be acknowledged by the several persons signing the same, or their attorney in fact, before a Judge of the Superior or inferior Court, or a Justice of the Peace, or a notary public, and such acknowledgement shall be certified by the officer before whom the same is made.

§ VI. *Be it further enacted,* That the certificate and power of attorney in fact, so acknowledged and certified, shall be filed in the office of the Clerk of the Superior Court of the County in which the principal place of business of the partnership shall be situated, and shall also be recorded by him at large in a book to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different Counties, a transcript of the certificate and power of attorney in fact, and of

the acknowledgement thereof, duly certified by the Clerk in whose office it shall be filed, under his official seal, shall be filed and recorded in like manner in the office of the Clerk of the Superior Court, in every such County; and the Clerk, for each and every registry required by this Act, shall be entitled to the sum of five dollars.

§ VII. *Be it further enacted*, That at the time of filing the original certificate, with the evidence of the acknowledgement thereof, as before directed, an affidavit or affidavits of the several general partners, shall also be filed in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash, and a certified copy of such certificate, power of attorney, and affidavits, shall be evidence in all Courts and places whatsoever.

§ VIII. *Be it further enacted*, That no such partnership shall be deemed to have been formed until such certificate as is herein mentioned, shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been filed as above directed; and if any false statement be made in such certificate, or affidavit, or if such partnership business be commenced before such certificate or affidavit is filed, all the persons interested in such partnership, shall be liable for all the engagements thereof, as general partners.

§ IX. *Be it further enacted*, That the partners shall publish the terms of the partnership, when registered, for at least six weeks immediately after such registry in one newspaper in the County in which the place of business is situated, and in one newspaper in the City of Raleigh. If no newspaper should be published in the County in which the business is to be transact-

ed, the notice shall be published in all the newspapers in the City of Raleigh as herein before required, and if each publication be not made within two months from the time of filing such certificate and affidavit, the partnership shall be deemed general.

§ X. *Be it further enacted*, That the affidavit of the publication of such notice by the printers, publishers, or editors, of the newspapers in which the same shall be published, may be filed in the office of the Clerk of the Superior Court in which the certificate has been filed, and shall be evidence of the facts therein contained.

§ XI. *Be it further enacted*, That every renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be certified, acknowledged, and an affidavit of a general partner be made and filed, and notice be given in the manner required for its original formation: and every such partnership which shall be otherwise renewed or continued, shall be deemed a general partnership.

§ XII. *Be it further enacted*, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital, or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership, and every such partnership, which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership according to the povisions of the last section.

§ XIII. *Be it further enacted*, That the business of the copartnership shall be conducted under a firm, in which the names of the general partners only shall be inserted without the addition of the words, "AND

COMPANY," or any other general term; and if the name of any *special* partner shall be used in such firm, he shall be deemed a general partner.

§ XIV. *Be it further enacted*, That suits to be brought by any partnership to be formed under this Act, shall be in the name or names of the general partnership only, and suits against such partnerships shall be brought against the general partners only; except in cases where the *special* shall be rendered liable as general partners, in which cases suits may be brought against all the partners, jointly or severally, or any one or more of the special partners may be sued in the same action, with the general partners.

§ XV. *Be it further enacted*, That no part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid, or transferred to him, in the shape of dividends, profits, or otherwise, at any time during the continuance of the partnership, but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital, and if after the payment of such interest any profits shall remain to be divided, he may also receive his portion of such profits, but shall not be liable for any debts previously contracted by the general partners.

§ XVI. *Be it further enacted*, That if it shall appear that by the payment of interest, or profits, to any special partner, the original capital has been reduced, or the firm shall be unable to pay its debts, the partner receiving the same shall be bound to restore the interest or profits received by him, necessary to make good his original share of the original stock.

§ XVII. *Be it further enacted*, That a special partner may, at any time, examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose as agent, or otherwise. If he shall interfere contrary to these provisions, he shall be deemed a general partner, but he may act as the attorney, or counsellor at law, or in equity, for the partnership, without being liable to become a general partner.

§ XVIII. *Be it further enacted*, That the general partners shall be liable to account to each other, and to the special partners, for the management of the business of the firm, both in law and equity, as other partners are now by law and equity.

XIX. *Be it further enacted*, That every partner who shall be guilty of any fraud in the affairs or business of the partnership, shall be liable civilly to the party injured, to the extent of his damage, and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the Superior Court, by which he shall be tried.

§ XX. *Be it further enacted*, That every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, of any partner, with the intent of giving a preference to any creditor of such partnership, or insolvent partner over other creditors of such partnership; and every judgment confessed, lien created, or security given by such partnership, under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

§ XXI. *Be it further enacted*, That every such sale, assignment, or transfer, of any of the property, or effects, of a general or special partner, who may have become liable as a general partner, made by such general or special partner, when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over creditors of the partnership, every judgment confessed, lien created, or security given, by any such partner, under the like circumstances, and with the like intent, shall be void, as against the condition of the partnership.

§ XXII. *Be it further enacted*, That any special partner who shall violate any provision of the two last preceding sections, or who shall concur in, or assent to, any such violation by the partnership, or by any individual partner, shall be liable as a general partner.

§ XXIII. *Be it further enacted*, That in case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim, as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

§ XXIV. *Be it further enacted*, That no dissolution of such partnership, by the acts of the parties shall take place previous to the time specified in the certificate of its renewal, until a notice of such intended dissolution shall have been filed and recorded in the Clerk's office in which the original certificate was recorded, and published at least once a week for four weeks, in a newspaper printed in each of the Counties where the partnership has places of business; but if no newspaper be printed in such Coun-

ties, then the notice shall be published four weeks in all the newspapers printed in the City of Raleigh which notice shall be signed by all the parties, or their representatives: *Provided*, that nothing herein contained, shall be so construed as to affect the collection of any demand against either of the special partners, which may have been contracted previously to the commencement of such partnership.

HOUSE OF COMMONS DOCUMENT—NO. X.

A BILL

CONCERNING

CONTEMPTS OF COURT.

RALEIGH:

W. R. GALES, PRINTER TO THE LEGISLATURE

1846.

REPORT.

THE Committee on the Judiciary, to whom was referred "A Bill concerning Contempts of Court," having had the same under consideration, direct it be reported back to the House, without amendment, and recommend that it be passed into a law.

Respectfully submitted,

ROBT. B. GILLIAM, CHAIRMAN.

BILL.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the power of the Courts of this State to issue attachments, and to inflict summary punishments for contempt of Court, shall not hereafter extend to any cases except the misbehavior of any person or persons in the presence of the said Court, or so near thereto, as to obstruct the administration of justice, the misbehavior of any of the officers of the said Courts in their official transactions, and the disobedience or resistance by any officer of the said Courts, party, juror, witness, or any other person or persons to any lawful writ, process, order, decree, or command, of the said Courts.

§ II. *Be it further enacted*, That when any Court

shall adjudge or award any summary punishment for a contempt, such Court shall cause the particulars of the offence to be specified on the record; and in every committitus, attachment, writ, or process, in nature of an execution founded upon such judgment or award, or in a written schedule thereto annexed, and therein referred to, such particulars of the offence shall be set out, or otherwise the same shall be unlawful and void.

HOUSE OF COMMONS DOCUMENT—NO. XI.

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL

"To make Real Estate Assets."

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE
1846.

REPORT.

The Committee on the Judiciary, to whom was referred "A Bill to make Real Estate Assets," have considered the same, and direct the following Substitute for said Bill to be reported to the House and recommend that it be passed into a law.

Respectfully submitted,

ROB: B. GILLIAM,

Chairman.

BILL.

§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That when the goods and chattels of any deceased person in the hands of his executors or administrators, shall be insufficient to pay all his debts, with the charges of administering the estate, his executor or administrator shall sell his real estate upon obtaining a license therefor, and proceeding then in the manner in this Act provided.

§ II. *Be it further enacted,* That in order to obtain such license, the executor or administrator shall present to the County or Superior Court of Law of the County in which letters testamentary, or letters of administration were granted, a petition setting forth the amount of the debts due from the deceased, as nearly as they can be ascertained, and the amount of the estimated charges of administration, and the value of the personal estate, and if it shall be necessary to

sell a part only of the real estate, he shall also set forth the value, description, and condition of the estate, or such part thereof, as he shall propose to sell, and the Court may, in all cases where it is not necessary to sell the whole, decide and direct what specified part of the estate shall be sold.

§ III. *Be it further enacted*, That if it shall be represented in such petition, and shall appear to the Court that it is necessary to sell some part of the real estate, and that by such partial sale the residue of the estate, or some specified part or piece thereof would be greatly injured, the Court may license a sale of the whole estate, or such part thereof as the Court shall think necessary and most beneficial, for the interest of all concerned therein.

§ IV. *Be it further enacted*, That no such licence shall be granted until the heirs and devisees, or other persons interested in said estate, shall be made parties to said petitions, and served with notice, either actually or by advertisement, as in other petitions filed in said Court of law.

§ V. *Be it further enacted*, That as soon as all parties are before the Court, either by personal service or by advertisement, the Court may proceed to hear the petition, and decree the sale if necessary, unless such cause to the contrary be shown as may induce the Court to refuse it, or postpone the final hearing to another term, at which time the case shall be determined.

§ VI. *Be it further enacted*, That the executor or administrator shall make affidavit of the facts stated in his petition.

§ VII. *Be it further enacted*, That all the proceeds of the real estate which may be sold under this Act, and which may not be necessary to pay debts and

charges of administration, shall be considered real estate, and as such, shall be paid over by the executor or administrator, to such persons as would be entitled to the land had it not been sold, or in case of *feme coverts* invested as proceeds of sale made for partition.

§ VIII. *Be it further enacted*, That the proceeds of real estate sold under this Act to pay debts and charges of administration, shall be assets in the hands of the executors or administrators for that purpose, and applied by the administrator as though the same were proceeds of personal estate, and bonds, and other obligations, in which the ancestor hath bound his or her heirs, shall not be put in suit against the heirs or devisees of the deceased, and the same shall be considered in the payment of debts, as of equal dignity with other specialties, bills, promissory notes and liquidated accounts.

§ IX. *Be it further enacted*, That no proceedings shall be had under this Act by administrators or executors of wills, proven before the second day of February, 1847; and after that time, all bonds executed by administrators or executors, when they qualify, shall be deemed and taken to have been executed, as well to secure the performance of the duties imposed by this Act, as those already required of administrators or executors.

§ X. *Be it further enacted*, That the real estate liable to be sold under this Act, shall include all the lands, tenements, and hereditaments, which by law would descend to his heirs, or all the interest which the deceased may have at the time of his death.

§ XI. *Be it further enacted*, That whenever an executor or administrator with the will annexed, shall sell real estate for the payment of debts, by virtue of

any power or trust contained in the will, the proceeds of sale shall be deemed legal and not equitable assets, and shall be applied as directed by this Act in the discharge of debts; any direction in said will or any law to the contrary notwithstanding.

§ XII. *Be it further enacted*, That if, upon the hearing of any petition for the sale of real estate the Court shall decree a sale of any part that may have been specifically devised, the devisee shall be entitled to a contribution from other devisees, according to the principles which govern Courts of Equity in respect to contribution among legatees and children, provided for by the 15th and 16th sections of the Revised Statutes, entitled an Act concerning last wills and testaments, shall be regarded as specific devisees in such contribution.

§ XIII. *Be it further enacted*, That when any part of the real estate of the testator shall descend to his heirs by reason of its not being devised or disposed of by the will, the undevised real estate shall be first chargeable with payments of debts in exoneration, as far as it will go, of the real estate that is devised, unless from the will it shall appear otherwise to be the wish of the testator.

§ XIV. *Be it further enacted*, That the mode of proceeding against the real estate of deceased persons prescribed by this Act, shall be in use in all cases, only when the will may have been proven, or letters of administration granted, after the second day of February, 1847, and the present mode of proceeding against such real estates, shall be in use in all cases where the will may have been proven or letters of administration granted, prior to that day.

§ XV. *Be it further enacted*, That whenever any administrator or executor shall obtain a license to

sell any real estate, such administrator or executor shall first advertise, by posting upon the Court House door one advertisement, and at three other public places in the county where the land is situated, at least thirty days preceding the day of sale, giving in said advertisement a description of such lands.

§ XVI. *Be it further enacted*, That the administrator or executor shall take bond, with two approved securities, for the purchase money for all lands sold by virtue of this Act, at the time the same is sold.

§ XVII. *Be it further enacted*, That all administrators and executors shall have power to execute a deed to the purchaser of any lands so sold, at the time said purchaser shall pay the amount of the purchase money, and not until then.

§ XVIII. *Be it further enacted*, That the Court which may grant a license for the sale of real estate under this Act, may require additional bond and security of the administrator or executor, in addition to the one which they may have given at the time of granting administration or letters testamentary.

§ XIX. *Be it further enacted*, That the Court which may at any time grant licence for the sale of the real estate of any deceased person, shall have power to determine at what time the administrator or executor shall settle the same with said Court, and make such allowance to the administrator or executor as they may think fit: *Provided* the same shall not exceed six per cent. on the collection and disbursement.

§ XX. *Be it further enacted*, That all laws and clauses inconsistent with the provisions of this Act,

and which allow the creditors of deceased persons to subject the lands descended by *scire facias*, after obtaining judgment against the estate of such deceased persons, are hereby repealed: *Provided, however*, that such repeal shall not affect the provision of the 17th section of this Act: *And provided further*, That nothing herein contained shall affect the right of dower.

PROPOSED SUBSTITUTE.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That when the goods and chattels of any deceased person, in the hands of his Executor or Administrator, shall be insufficient to pay all his debts, with the charge of administering the estate, his executor or administrator shall sell his real estate, upon obtaining a license therefor and proceeding therein in the manner in this Act provided.

§ II. *Be it further enacted*, That in order to obtain such license, the executor or administrator shall present to the Superior Court of Law of the County in which letters testamentary, or letters of administration were granted, a petition setting forth the amount of the debts due from the deceased, as nearly as they can be ascertained, and the amount of the estimated charges of administration, and the value of the personal estate, and if it shall be necessary to sell a part only of the real estate, he shall also set forth the value, description, and conditions of the es-

tate, or such part thereof, as he shall propose to sell, and the Court may, in all cases where it is not necessary to sell the whole, decide and direct what specified part of the estate shall be sold.

§ III. *Be it further enacted*, That if it shall be represented in such petition, and shall appear to the Court that it is necessary to sell some part of the real estate, and by such partial sale the residue of the estate, or some specified part or piece thereof would be greatly injured, the Court may license a sale of the whole estate, or such part thereof as the Court shall think necessary and most beneficial, for the interest of all concerned therein.

§ IV. *Be it further enacted*, That no such licence shall be granted until the heirs and devisees, or other persons interested in said estate, shall be made parties to said petition, and served with notice, either actually or by advertisement, as in other petitions filed in the Superior Courts of law.

§ V. *Be it further enacted*, That as soon as all the parties are before the Court, either by personal service or by advertisement, the Court may proceed to hear the petition, and decree the sale if necessary, unless such cause to the contrary be shown as may induce the Court to refuse it, or postpone the final hearing to another term.

§ VI. *Be it further enacted*, That whenever the Court may decree a sale of real estate, under the provisions of this Act, the sale shall be made upon such terms and upon such credit, as the Court may direct; and the title shall be made to the purchaser by such person and at such time, as the Court shall prescribe.

§ VII. *Be it further enacted*, That the executor or administrator shall make affidavit of the facts stated in his petition.

§ VIII. *Be it further enacted*, That all the proceeds of the real estate which may be sold under this Act, and which may not be necessary to pay debts and charges of administration, shall be considered real estate, and as such, shall be paid over by the executor or administrator, to such persons as would be entitled to the land had it not been sold, or in case of *feme coverts* invested as proceeds of sale made for partition.

§ IX. *Be it further enacted*, That the proceeds of real estate sold under this Act to pay debts and charges of administration, shall be assets in the hands of the executor or administrator for that purpose, and applied in the administration as though the same were proceeds of personal estate, and bonds, and other obligations, in which the ancestor hath found his or her heirs, shall not be put in suit against the heirs or devisees of the deceased, and the same shall be considered in the payment of debts, as of equal dignity with other specialties, bills, promissory notes and liquidated accounts.

§ X. *Be it further enacted*, That no proceedings shall be had under this Act by administrators appointed, or executors of wills, proven before the first day of February, 1847 ; and after that time, all bonds executed by administrators or executors, when they qualify, shall be deemed and taken to have been executed, as well to secure the performance of the duties imposed by this Act, as those already required of administrators or executors.

§ XI. *Be it further enacted*, That the real estate liable to be sold under this Act, shall include all the deceased may have conveyed, with intent to defraud his creditors ; and all rights of entry and rights of action, and all other rights and interests in lands, tenements, and hereditaments, which by law would de-

scend to his heirs: *Provided*, that lands so fraudulently conveyed, shall not take from any one who purchased them for a valuable consideration, and without the knowledge of the fraud: but they shall be liable only in the same cases in which they would have been liable to attachment or execution by a creditor of the grantor in his life-time.

§ XII. *Be it further enacted*, That whenever an executor or administrator shall file his petition to sell land which may have been fraudulently conveyed as aforesaid, of which there may have been a subsequent *bona fide* sale, whereby he cannot have a decree of sale of the land, it shall be lawful for the Court to give judgment in favor of such executor or administrator, for the value of said land, against all persons whatever who may have fraudulently purchased the same; and, in case the whole of said recovery shall not be necessary to pay the debts and charges aforesaid, the residue thereof shall be restored to the person or persons of whom such recovery was made.

§ XIII. *Be it further enacted*, That whenever the land which is sought to be sold shall be claimed by another under any pretence whatsoever, the Court may order an issue to try the title; and if it shall be found for the executor or administrator, he shall have his writ of possession, and a decree of sale, according to the provision of this Act.

§ XIV. *Be it further enacted*, That when an executor other than such as may have already given bond with security, is licensed to sell any portion of the real estate for the payment of debts, he shall execute a bond with good and sufficient sureties, payable to the State of North Carolina, conditioned for the faithful application of the proceeds of sale to the debts of the testator, and for accounting for and paying over all

the proceeds of sale that shall remain after payment of the debts and charges for which the real estate may be sold, and for disposing of the same according to law, which bond may be put in suit by any person or persons, or body politic or corporate, injured by breach thereof.

§ XV. *Be it further enacted*, That whenever an executor or administrator with the will annexed, or other person, shall sell real estate for payment of debts, by virtue of any devise, power or trust contained in the will, the proceeds of sale shall be deemed legal and not equitable assets, and shall be applied as directed by this Act in the discharge of debts; any direction in said will, or any law to the contrary notwithstanding.

§ XVI. *Be it further enacted*, That if, upon the hearing of any petition filed for the sale of real estate, the Court shall decree a sale of any part that may have been specifically devised, the devisee shall be entitled to a contribution from other devisees, according to the principles which govern Courts of Equity in respect to contribution among legatees and children, provided for by the 15th and 16th sections of the Revised Statutes, entitled an Act concerning last wills and testaments, shall be regarded as specific devisees in such contribution.

§ XVII. *Be it further enacted*, That when any part of the real estate of the testator shall descend to his heirs by reason of its not being devised or disposed of by the will, the undevised real estate shall be first chargeable with payments of debts in exoneration, as far as it will go, of the real estate that is devised, unless from the will it shall appear otherwise to be the wish of the testator.

§ XVIII. *Be it further enacted*, That the mode of proceeding against the real estate of deceased per-

sons prescribed by this Act, shall be in use in all cases, only when the will may have been proven, or letters of administration granted, after the first day of February, 1847; and the present mode of proceeding against such real estates, shall be in use in all cases where the will may have been proven or letters of administration granted, prior to that day.

§ XIX. *Be it further enacted*, That the commissions allowed to executors or administrators, for selling real estate and collecting and paying over the money according to the provision of this Act, shall not exceed two and a half per centum upon the amount actually applied in the payment of debts: *Provided*, that nothing herein contained shall be construed to prevent any executor or administrator from retaining for necessary charges and disbursements, in the same manner as hath heretofore been allowed by law.

§ XX. *Be it further enacted*, That all laws and clauses of laws, inconsistent with the provisions of this Act, and which allow the creditors of deceased persons to subject the lands descended, by *scire facias* after obtaining judgment against the estate of such deceased persons, are hereby repealed: *Provided*, *however*, that such repeal shall not affect the provision of the 17th section of this Act: *And provided further*, that nothing herein contained, shall affect the right of dower.

HOUSE OF COMMONS DOCUMENT—NO. XII.

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL

To Amend the Revised Statute entitled "Courts of Equity."

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on the Judiciary, to whom was referred "A Bill to amend the Revised Statute, entitled "Courts of Equity" have had the same under consideration, and direct it to be reported to the House, with the following amendment, and recommend that it be passed into a law.

Amendment proposed—Strike out the 5th section of the Bill.

Respectfully submitted,

ROB: B. GILLIAM,
Chairman.

A BILL

To amend the Revised Statute, entitled "Courts of Equity."

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That no injunction shall be hereafter granted, by which a party to any action at law shall be restrained from proceeding to trial and judgment therein, except where the plaintiff in equity shall seek a discovery of matter to be used upon the trial of such action at law; and if any injunction shall be otherwise granted, the party enjoined may proceed to trial and judgment notwithstanding. Nor

shall any injunction be ordered by any Judge out of Court and before answer, unless the party praying the same shall make affidavit that he hath not upon his bill, or upon any other bill upon the same matter, made a previous application for such process, or else shall shew by affidavit to what other Judge or Judges, and at what time such application was made.

§ II. *Be it further enacted*, That when a party upon filing his bill, or at any other time before demurrer, plea or answer thereto, shall apply for any injunction, (other than those provided for by the eleventh section of the said Revised Statute, entitled "Courts of Equity,") or for any sequestration, order for the appointment of a receiver, or other such special writ or order, such party shall be required, before obtaining the same, to enter into bond payable to the opposite party, with good and sufficient sureties, before the Master of the Court, whenever such injunction, sequestration, or other writ or order is to issue, in such sum as shall be directed by the Judge or Court granting the same, conditioned that the party applying for the same will prosecute with effect his suit, and maintain his right to the said injunction, sequestration, or other special writ or order, or in case of failure, will pay or cause to be paid to the party against whom the same may be granted, all such damages as may be sustained by reason of the granting or issuing thereof; and in case of such failure, the Court in which such suit may be, may either order the said bond to be delivered out to the proper party to be put in suit at law, or may cause the

damages to be ascertained by an issue or otherwise, according to the usage of Courts of Equity, and make a decree therefor, as well against the surety or sureties as against the party at whose instance the writ or order shall have been obtained.

§ III. *Be it further enacted*, That so much of the eleventh section of the said Revised Statute, as excepts judgments in actions of detinue from the operation of the said section, be, and the same is hereby repealed.

§ IV. *Be it further enacted*, That when any Judge shall, upon an *ex parte* application, grant any writ or order mentioned or referred to in the second section of this Act, he shall have power, upon the petition of the party against whom the same shall have been granted, to re-hear the matter, (if he shall deem it proper so to do,) at his chambers or at such place as he may appoint, due notice being given to the party obtaining such order or writ, his agent or solicitor, as the said Judge may direct, and upon such re-hearing, to discharge or modify the said writ or order as may to him seem just and equitable.

§ V. *Be it further enacted*, That in all suits and proceedings in Equity, the party or parties succeeding shall recover his or their costs respectively against the party failing therein: *Provided, however*, that when any party shall proceed or be proceeded against merely as executor, administrator, guardian, trustee, or person holding a fund in the character of trustee,

bailiff or receiver, the costs shall, as heretofore, be in the discretion of the Court.

§ VI. *And be it further enacted*, That this Act shall be in force from and after its ratification.

HOUSE OF COMMONS DOCUMENT—NO. XIII.

REPORT

OF

THE COMMITTEE

ON

THE JUDICIARY,

ON THE BILL

In addition to the Revised Statute entitled "Frauds and Fraudulent Conveyances."

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on the Judiciary, to whom was referred "a Bill in addition to the Revised Statute, entitled 'Frauds and fraudulent conveyances,' have had the same under consideration, and direct it to be reported to the House, without amendment, and recommend that it be passed into a law.

Respectfully submitted,

R. B. GILLIAM, Chairman.

BILL.

§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all declarations or creations of trusts or confidences of any lands, tenements or hereditaments, and also of all conditions, defeasances and limitations to or for the satisfaction of any debt or debts, or determination of any estate or estates, of, in, or concerning any lands, tenements, or hereditaments, shall be manifested and proved by some writing signed by the party, by law enabled to declare or create such trust or confidence, condition, defeasance, or limitation as aforesaid, or by his last will, or else shall be utterly void as well in equity as at law: *Provided always*, that where any conveyance has been, or shall be made of any lands, tenements, or hereditaments, by which a trust or confidence shall or may arise or result by implication of law, or be transferred or extinguished by an act or operation of law, then and in every such case, such trust or confidence shall be of like force and effect, as if this Act had not been passed; but in every such case, the matter or fact upon, or from which such trust or confidence shall result or be implied, transferred, or extinguished, shall appear and be proved by some writing as aforesaid.

§ II. *Be it further enacted*, That where any conveyance or assignment of any personal goods, chattels, or effects, shall be in writing, every trust or confidence, and every condition, defeasance or qualification thereof or thereupon, shall be manifested and proved by some writing signed by the person who is enabled by law to declare such trust or confidence, condition, defeasance, or qualification, or by his last will, or else shall be void as well in equity as at law.

§ III. *Be it further enacted*, That all grants and assignments of any such trust or confidence, as is hereinbefore mentioned, shall be in writing, signed by the party granting or assigning the same, or by his last will, or else shall be in like manner void.

§ IV. *And be it further enacted*, That this Act shall be in force from and after its ratification.

HOUSE OF COMMONS DOCUMENT—NO. XIV.

REPORT

OF THE

COMMITTEE OF FINANCE,

ON THE MEMORIAL OF

The President and Directors of the Wilmington and Raleigh Rail Road Company.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

REPORT.

The Committee on Finance, to whom was referred the Memorial of the President and Directors of the Wilmington and Raleigh Rail Road Company, praying for "an extension of credit on the debt due the Literary Fund and the Bonds of the Company on which the State is endorser," have had the same under their consideration, and instructed me to report, that in consideration of the great interest the State has in the Company as a stockholder, a creditor, and an endorser, it is the duty of the General Assembly so to legislate if possible, as to secure the stock owned by the State, which is six hundred thousand dollars, and the debt due by the Company, which is one hundred and eighty-seven thousand dollars, and to avoid the payment of any part of the bonds to which the State is endorser, and which amount to the sum of one hundred and fifty thousand dollars.

The State, by the acts of former legislatures, has become interested in this Rail Road Company, to the enormous amount of nine hundred and thirty-nine thousand dollars, as stock-holder, creditor and endorser.

Your Committee submit, as the result of their deliberations, the accompanying Bill, as being the best calculated to protect the interest of the State, and to encourage these enteprising and public spirited citizens who have done and are now doing so much to build up a permanent home market for the productions of the State in the town of Wilmington.

GILES MEBANE,
Member of the Committee.

MEMORIAL.

To the Honorable, the General
Assembly of the State of North Carolina:

GENTLEMEN:—In obedience to the following Resolution of the Stockholders of the Wilmington and Raleigh Rail Road Company, namely—"*That the President and Directors apply to the Legislature for an extension of credit on the debt due the Literary Fund, and the Bonds of the Company on which the State is now an endorser, in such way as to them may seem best,*" we beg to represent to your Honorable Body, that the Company is indebted to the Literary Fund in the sum of Eighty Five Thousand Dollars, and by Bonds endorsed by the State, to the amount of Two Hundred and Fifty Thousand Dollars, for the security of which, the State has a Mortgage on property which cost the Company upwards of two millions of dollars.

In 1841, the Company was indebted for the construction of the Road and dependencies, $759,930 93.

In 1843, the Company had the misfortune to lose by fire, property (we believe) to the amount of $100,000, of an indispensable kind, which has been replaced, and our debt reduced to $668,817 52, and all the interest on the debt paid; and after the payment of $44,500, and interest, the present year, the Company will be in a situation to meet all their debts with convenience, if they can but obtain such credit as will meet the receipts of the Company.

But the Directors are of opinion, that an arrangement can be made without one cent of cost to the State, and which will enable the individual Stockholders, together with the State, to obtain dividends on their stock.

If we turn to the Reports of the Company, it will be seen that the receipt shave *gradually* increased, although the fare has been reduced since 1842, more from way-travel and freights, in proportion, than the long-travel, which gives confidence to the Directors, that the receipts will certainly increase with the growing business of the country: Therefore,

We pray that your Honorable Body will pass an Act, allowing the Company to renew their debt on a more extended credit, say 20 years, on condition of paying interest semi-annually as heretofore, and paying ten thousand dollars, annually, of the principal, and then for all other debts, the payment of the interest and $8,000 of the principal, to enable the President and Directors to divide the balance of the profits to the Stockholders, and provided also, the bonds can be sold at *par* to renew the old bonds.

The Company has $50,000 of Bonds, on which the State is endorser, coming due 1st January next, which they pray to renew under the above arrangement, as they are not prepared to pay. If this arrangement can be allowed, and the Bonds sell as readily as heretofore,

the Company will be enabled to pay the Literary Fund the amount due to it, and to the State, the amount which she has taken up for the Company.

Respectfully,

ALEX. MACRAE,
Prest. W. & R. R. Road Co.

Attest:

JAMES S. GREEN, *Secretary.*

A BILL

Granting a further extension of credit on the Bonds endorsed by the State for the Wilmington and Raleigh Rail Road Company, and also on the debts due the State and the Literary Fund by said Company.

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§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the day of payment by the Wilmington and Raleigh Rail Road Company, of the Fifty-two Thousand Dollars of the Bonds of said Company, held by the President and Directors of the Literary Fund, and also the day of payment of the Eighty-five Thousand Dollars loaned by the said Fund to the said Company, and also the day of

payment by said Company of Fifty Thousand Dollars of Bonds taken up and held by the State, through her Public Treasurer, be, and the same are hereby extended to the first day of March, one thousand eight hundred and fifty-seven, at which day and time, all the aforesaid sums are made due and payable, upon the conditions herein and hereafter set forth.

§ II. *Be it further enacted*, That it shall and may be lawful for said Company to make their Bonds payable to the Public Treasurer of the State of North Carolina, for the sum of One Hundred and Fifty Thousand Dollars, which Bonds shall be signed by the President of said Company, under the seal of the same, and made payable for any sum or sums not less than one thousand dollars each, and to carry interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to-wit: on the first Monday in January, and the first Monday in July in each and every year, until said Bonds shall be redeemed on the first day of March, one thousand eight hundred and fifty-seven, at which time said Bonds shall be made payable.

§ III. *Be it further enacted*, That the Public Treasurer of the State be, and he is hereby authorized and directed to endorse on said Bonds, as follows: "Pay to , or order, and this endorsement shall pledge the State of North Carolina for the payment of the sum in each Bond." Which endorsement shall be signed by the Public Treasurer in his official capacity, and counter-signed by the Comptroller. And the Public Treasurer, after endorsing the Bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and to be safely kept in his office.

§ IV. *Be it further enacted*, That said Bonds so to be made and endorsed, shall be deposited with the

Public Treasurer of the State, and fifty thousand dollars thereof shall be by him delivered over to the President and Directors of said Company, whenever the said Company shall pay to the Public Treasurer of the State, the sum of fifty thousand dollars, for that amount of Bonds of the said Wilmington and Raleigh Rail Road Company, and endorsed by the Public Treasurer, and made payable on the first day of January, 1847 under an Act, entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company; and the Public Treasurer shall furthermore deliver over to the President and Directors of said Company, the remaining one hundred thousand dollars of said Bonds, endorsed as aforesaid, in sums of fifty thousand dollars, whenever the said Company shall pay to the Public Treasurer of the State, sums of fifty thousand dollars—*in all*, one hundred thousand dollars, for that amount of Bonds endorsed by the Public Treasurer, under the Act of 1844–45, and payable in two instalments, one of fifty thousand dollars on the first day of January 1848, and the other of the like amount, and payable on the first day of January 1849. And whenever the said Bonds shall be satisfied and paid, as required by this section, it shall be lawful for the said President and Directors of the said Wilmington and Raleigh Rail Road, to fill up the blank in each endorsement of the Bonds authorized by this Act, with the name or names of the person or persons, or company or corporation to whom the same may be sold or transferred, and when so filled up, shall be as binding on the State of North Carolina as if the same were done by the Public Treasurer at the time of making the endorsement as aforesaid. And it shall be the duty of the said President and Directors of the said Company, to furnish the Public Treasurer with a statement in writing, of the name or names of the person or persons, company or corporation, to whom the said Bonds have been

transferred or sold, to whom payable, and the time of the sale or transfer of the same, to be by him registered in the book to be kept for the registration of said Bonds.

§ V. *Be it further enacted*, That the President and Directors of the said Company shall pay to the Public Treasurer of the State, for his services in negotiating and registering said Bonds, the sum of two hundred and fifty dollars.

§ VI. *Be it further enacted*, That for the redemption of the Bonds hereby authorized to be made, and the payments semi-annually of the interest on the same, at the rate of six per cent. per annum, the faith and credit of the State is pledged to the holders of said Bonds; and on failure of the President and Directors of said Company to pay the said principal and interest when due, the Public Treasurer is authorized to pay the same out of any money in the Treasury at the time.

§ VII. *Be it further enacted*, That the said bonds shall be transferable by the holders thereof, or by his or their attorney, in a book to be kept by the Public Treasurer for that purpose; and in every such transfer, the outstanding bond shall be surrendered to and called in by the Public Treasurer, and a new bond issued for the same amount to the person entitled to the same.

§ VIII. *And be it further enacted*, That whenever the President and Directors of the Wilmington and Raleigh Rail Road Company shall make, execute, and deliver to the Governor of this State, for and in behalf of the State, a deed of mortgage under the

seal of said Company, wherein and whereby shall be conveyed to the said Governor and his successors in office, for the use and benefit of the State, all the estate, real and personal, belonging to the said Wilmington and Raleigh Rail Road Company, or in any manner pertaining to the same, conditioned for the true and faithful payment of the sum mentioned in the first section of this Act, as due the State and the Literary Fund, and also for the prompt payment, semi-annually, of all the accruing interest thereon, on the first Monday in January, and the first Monday in July, in each and every year, until said sums become due and payable on the first day of March, one thousand eight hundred and fifty-seven, and conditioned further for indemnifying and saving harmless the State of North Carolina for the payment of the whole or any part of the Bonds hereby authorized to be made and issued by the President and Directors of the Wilmington and Raleigh Rail Road Company, and endorsed by the Public Treasurer, and also for the payment semi-annually, of the interest which may accrue on said Bonds, until the final payment and redemption of the principal thereof, which said deed of mortgage shall be approved by the Governor and Attorney General of the State; then it shall be the duty of the Public Treasurer, and he is hereby required to deliver to the President and Directors of the Wilmington and Raleigh Rail Road Company, the Bonds in the manner and to such amount, as is set forth in the foregoing sections of this Act, and which by this Act he is authorized and required to endorse, taking therefor the receipt of the President of said Company.

§ IX. *And be it further enacted*, That in case of the failure of the President and Directors to pay the interest as heretofore provided in this Act, on the debts mentioned in the first section of this Act, or on

the Bonds authorized to be endorsed by this Act, or in case of the failure of the President and Directors of said Company to pay the principal of said debts or bonds, or any part thereof, when the same shall become due, then it shall be the duty of the Governor, for the time being, to issue his Proclamation, ordering the sale of the whole estate, real and personal, of said Company, included within said mortgage deed, upon a credit of one, two and three years, and shall take bond and such security as he may approve of; and the purchasers shall acquire all the corporate franchises and privileges, and be subject to the same restrictions and limitations of the former proprietors; and the proceeds of such sale shall be applied to the payment of the debts and liabilities heretofore mentioned in this Act: *Provided, however*, That nothing in this Act contained, is intended or shall be so construed as to destroy or impair any security or securities which the State now has for any monies advanced to or for said Company, or for indemnity against her suretyship for said Company.

§ X. *Be it further enacted*, That it shall be the duty of the President and Directors of the Wilmington and Raleigh Rail Road Company, to transmit annually to the Governor of the State, for the time being, a written statement of the condition and amount of indebtedness of said Company, and upon the failure of the said President and Directors to transmit such statement, or when so transmitted it shall appear therefrom that the amount of indebtedness of said Company has increased, or that the interest or the outstanding debt of said Company has not been annually paid, then it shall be the duty of the Governor of the State, for the time being, to sell all the real and personal estate included in the mortgage deed, provided for in this Act, in the same manner and upon the same con-

ditions as are prescribed in the preceding section of this Act.

§ XI. *Be it further enacted*, That whenever the President and Directors of the said Wilmington and Raleigh Rail Road Company shall make it appear to the satisfaction of the Governor of the State, that the interests of said Company and the State require that any portion of the real or personal estate included in the mortgage deed aforesaid, to be sold, then the Governor may authorize the President and Directors of said Company to sell the same upon a credit of one, two, and three years: *Provided* the Bonds are taken payable to the State of North Carolina, with such security as the Governor may approve, and delivered over to the Public Treasurer of the State, to be applied by him in discharge of the Bonds endorsed by the State in pursuance of this Act: *And provided, nevertheless*, that nothing in this section contained, shall authorize the sale of any of the estate included in the aforesaid deed of mortgage, except the steamboats running from Wilmington to the City of Charleston, South Carolina, and the wharves at each of the aforesaid places.

§ XII. *Be it further enacted*, That this Act shall be in force from and after its Ratification.

HOUSE OF COMMONS DOCUMENT—NO. XV.

REPORT

OF THE

COMMITTEE ON EDUCATION,

RELATIVE TO A

SCHOOL COMMISSIONER.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

REPORT.

The Committee on Education, to whom was referred so much of the Governor's Message as relates to the appointment of a School Commissioner, have had the same under consideration, and after giving the subject that reflection which one of its importance demands, they beg leave to Report to the House some of the reasons that have influenced their action, and the conclusions to which they have arrived.

The policy of establishing public fountains of instruction, of which the humblest citizen may partake, is of no recent origin, but is both sanctioned by wisdom and hallowed by time. As far back as the fifteenth century, the system of Parish Schools was adopted, and that too in a hereditary monarchy, where their importance is not so manifest as in a government based upon principles of Republican equality. The traces of this system are yet to be found in the prudence and enterprize of the citizens of those countries where it was first introduced.

In some of the States of this Union, they have long been established, with the most happy results. Most of the New England States have adopted the system, but they exist in greater perfection in Massachusetts, perhaps, than any other State, and have greatly aided in giving her an intellectual eminence which should challenge the admiration and stimulate the pride of all her sister States in this Confederacy. North Carolina has more recently entered upon this noble enterprize. Here it is yet in its infancy. Let us endeavor to improve it; let us water this tree that has sprung up in our midst, until it shall overshadow the land, and every youth shall be enabled to garner a portion of the fruit that shall fall from its branches.

It was a source of regret at the time, that a project so benevolent and charitable in its nature, and contemplating such noble ends, should have met with opposition "in all our borders"; but it is at the same time, a source of congratulation, that those Counties where the system was rejected, have yielded their opposition, and we are all now marching harmoniously together to one common destiny.

However zealous your Committee may feel in the prosecution of this "good work," yet they are not insensible that it has many defects to be remedied, and that there are many prejudices to be removed before its moralizing and christianizing influences can be fully felt and appreciated. In a government like ours, where the voice of the people is omnipotent, a law to accomplish any great good must not only be wise in itself, but must meet with public approbation, for it is this alone that gives efficiency to every public enactment.

In this point of view, therefore, it becomes important to enquire into the prejudices, if any, which exist, and to apply to them the adequate remedy.

Your Committee are deeply impressed with the belief, both from observation and from other sources of information, that there is a secret prejudice in the minds of

certain classes against these institutions, and many refuse to avail themselves of this mode of educating their children, in consequence of these unnatural prejudices. The anxious enquiry then arises, how can this be obviated?

Your Committee believe, that no better remedy can be found than that recommended in His Excellency's Message: the selection of some citizen eminent for his talents and moral worth—one who enjoys the confidence of the people, to whom shall be entrusted the general supervision of the Schools. One, who animated by a holy zeal for the public welfare, shall travel over the State, stimulate the superintendents and Committee-men to the performance of the high duty entrusted to them—point out the happiness that springs from knowledge, and the vice and degradation that are ever the offspring of ignorance and folly. A School Commissioner would not only be instrumental in removing prejudices and awakening a lively interest in the success of popular education, but his services would be invaluable in another point of view. He could digest some general plan of instruction, correct false teaching, recommend suitable books, and be a head to which subordinate officers could look for counsel and advice.

From such an officer, we could derive some accurate information as to the progress of the Schools, and ascertain whether the large amounts annually expended are accomplishing any great good. Upon this subject we are now totally ignorant, and no one can say with certainty how many children are thus educated.

There is a fact connected with our Common School system, worthy of remark. We annually expend a larger amount for School purposes, than we collect from the people to defray the ordinary expenses of State government: and yet we are unable to say what good is accomplished. Two and a half per cent. upon the amount distributed, will procure the services of such an officer.

Your Committee do not doubt that the services of an individual eminently qualified for the station, can be obtained. We have wise and patriotic citizens, who are willing to devote their time and energies to such a noble enterprise. And he who will undertake it and "act well his part," will win a name far more imperishable than brass, for it will be written on the grateful hearts of thousands who are now slumbering in ignorance.

The known prudence of the Governor, and those gentlemen who constitute the Literary Board, will prevent the abuse of any power entrusted to them.

Your Committee, therefore, in order to carry out their views, report the following Bill and recommend its passage.

DAVID A. BARNES,
A Member of the Committee.

A BILL

To provide for the appointment of a Common School Commissioner.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the President and Directors of the Literary Board be, and they are hereby, authorised, empowered and directed, to use annually a portion of the Literary Fund, not exceeding the sum of Twelve Hundred and Fifty Dollars, to procure the services of some suitable person, to whom shall be entrusted the general supervision of the Common Schools in this State.

§ II. *Be it further enacted*, That the said Commissioner shall be annually elected by the President and Directors of the Literary Boord, who shall prescribe

his duties, and shall have power to remove him from office whenever he shall think the public interest may require it.

§ III. *Be it further enacted*, That this Act shall be in force from and after its ratification.

HOUSE OF COMMONS DOCUMENT—NO. XVI.

MEMORIAL

IN RELATION TO

WRECKS AND WRECKED PROPERTY.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

MEMORIAL.

To the Honorable, the Senate, and House of Commons, of the State of North Carolina, in General Assembly met:

The Memorial of the subscribers, captains, owners of vessels, shippers, merchants, and others, citizens of the town of Newbern, in the County of Craven, respectfully sheweth: That they are all identified to a greater or less extent, with the shipping and commercial interests of the State, and that a due regard to the welfare of those interests, require that they should respectfully ask at your hands an alteration of the existing laws concerning wrecks and wrecked property, as set forth and contained in the chapter one hundred and twenty-third of the Revised Statutes, entitled "An Act concerning Wrecks and Wrecked Property," and also in the fifty-

eighth chapter of the Acts of 1844–45, entitled "An Act to amend the 123d Chapter of the Act of the Revised Statutes, entitled "An Act concerning Wrecks and Wrecked Property.'" Your petitioners respectfully represent, that under the provisions of the fourth section of the Act of 1844–45, great injustice is done to the owners of vessels and their cargoes—the control and management of their own stranded property, even should they be present in person or by their agents, being thereby taken from them and given to the exclusive charge of the Commissioners, except when they (the Commissioners) should happen to be absent, or should refuse to act. And after thus depriving them of this privilege, and the Commissioners have sold the property, they are allowed five per cent. commissions on the amount of all such sales, without reference to the amount, be they large or small. But should wrecked property of any sort fall into the custody of any Commissioner, and the owners or their agents, in the exercise of acts of ownership, should remove their property, the Commissioner is still entitled to receive two and a half per cent. on the whole amount of the value of such property; and when this amount happens to be large, as in some cases from eight to twelve thousand dollars, the tax levied for the benefit of Commissioners, becomes to the owners of such property a grievous burthen. And this hardship would not be so great, had they any option, when their property is cast upon the shore, as to whether they should call in the aid of the Commissioners. They are compelled, under the law, to employ them and pay them five per cent., or if they choose to take charge of their property themselves, they must still be losers, and suffer for the benefit of the Commissioner, to the amount of two and a half per cent. on all the property thus withdrawn. Nor is this immediate injury the only one which they suffer—for it lessens the chances of obtaining Polices of Insurance on reasonable terms; Companies being unwilling to insure property, which if cast upon the beach

will not be under the control of their agents, but must be heavily taxed for the benefit of the Commissioners. Nor would your petitioners endeavor to undervalue the important services of Commissioners of Wrecks. Our Wreck Laws are indispensably necessary and useful. But they complain, that while at the session of 1844–45, of your Honorable Body, an effort, laudable in itself, was made to amend the then existing law for the benefit of the Commissioners of Wrecks, the amendment ran into the opposite extreme and favored them too much, at the expense of others. Your petitioners would have justice done to all parties—to the Commissioners, as well as to themselves. They would adopt a medium course; and they desire mainly, that they should be allowed some option as to the choice of Commissioners to superintend the sale of their wrecked property, as under the fifth section of the 123d Chapter of the Revised Statutes, which has been repealed by the Act of 1844–45. It is there provided, that "in future, the Commissioners of Wrecks shall be deemed the proper officers to advertise and expose to sale, at public auction, any cargo or cargoes which may be stranded or cast on shore in their respective districts, *unless the captain, owner, merchant, or consignee, shall choose to superintend such sale himself, or to remove the property without selling it*," &c. In the fourth section of the same Act it is provided, "that it shall be the duty of the Commissioners, on the earliest intelligence given, or on application to them made, *by or on behalf of any owner, supercargo*, &c., to command the Sheriff or other officer, to summon men to the assistance of any vessel stranded or about to be stranded, "*who are to be under the direction of the masters or owners*," &c.

Of the practical operation of these laws, it seems the Commissioners, Salvors, and others, made complaint to the last session of your Honorable Body, whereupon, the Act of 1844–45 was passed, and thereby the above fourth and fifth sections of the old law were repealed.

As a substitute for the fourth, fifth, sixth, seventh and

twelfth sections of the 123d Chapter of the Revised Statutes, of which Commissioners of Wrecks, Salvors and others complained on the one hand, and for the third, fourth, and fifth sections of the fifty-eighth Chapter of the Act of 1844–45, of which your petitioners deem they have just ground of complaint, your petitioners would respectfully recommend to your consideration, the adoption of an Act to read in substance as follows.

A BILL

To amend an Act passed at the Session of 1844-5, entitled "An Act to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property."

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of any Commissioner of Wrecks in this State, upon the earliest notice given of any property stranded or drifted on shore within his district, without any person accompanying or claiming the same, to take possession thereof; and in case such property shall be judged to be of the value of *fifty dollars*, and not to exceed *one hundred dollars*, the Commissioner shall advertise in the nearest newspaper for the space of *fifteen days*, giving a description and mark of said property, if any; but should the said property be judged to be of the value of *one hundred dollars and upwards*, he shall advertise the same as above, for the space of

thirty days; and in case no owner or person comes forward to claim said property within the above-named time, the Commissioner shall sell the same at public auction, and after paying charges for advertising and taking care of said property while it was in his hands, he shall choose one indifferent person, and the salvors another, who shall arbitrate and award the salvage to be paid for the saving of said property; and in the event of their not agreeing touching the amount or award to be paid, they may choose a third person as umpire; and if the Commissioner, or owner or representative of said property, or the salvors, are dissatisfied with such award, they may appeal as heretofore provided; but in case the owner or agent claiming said property shall come forward within the above-named time and pay all reasonable charges, to be adjudged and ascertained as heretofore named, and also pays said Commissioner *five per cent* on the value of said property, in case the value shall not exceed *five hundred dollars*, or if upwards of five hundred and not exceeding one thousand dollars, *two and a half* per cent., and for all sums of one thousand dollars and upwards, *one and a quarter* per cent.—the value of said property to be adjudged in the same manner as the amount of salvage is to be awarded: then and in that case, the Commissioner shall, upon proof of said ownership, deliver up all such property as he may have in his hands, as aforesaid. But in the event of no owner or other person claiming said property, coming forward within the time herein specified, and the said Commissioner shall have made sale of the property, then the said Commissioner shall be entitled to twice the above amount of per centage for commissions; and after paying all charges, he shall retain the balance of money in his hands for *twelve months*, and if no owner shall come forward to claim the same within the above-named time, he then shall pay the same

over to the Clerk of the County Court for the benefit of the State.

§ II. *Be it further enacted*, That when any vessel or cargo, or merchandise whatsoever, are lost on shore, or stranded on the sea-coast, with any person owning, claiming, or representing said vessel, or cargo, or merchandise, should said owner or other person representing said property, deem it necessary for the preservation of the same, to call on the Commissioner of Wrecks for said district, in which he may be cast on shore or otherwise wrecked, for assistance in saving said vessel, cargo, or merchandise, upon such application made by the master, owner, or agent for said property to the Commissioner, it shall be the duty of said Commissioner to summon as many men as the captain, owner, or agent may deem necessary for the saving of such property; and in the event of the Commissioner refusing to summons such number of men, the said Commissioner shall lose all claim for commissions against said property—and upon proof and conviction thereof, shall be held incapable of holding the office of Commissioner thereafter; but upon the Commissioner complying and furnishing the number of men required by the captain, owner or agent, then the captain, owner, or agent, shall pay all charges for saving and taking care of said property, to be adjudged of and awarded as heretofore named; and when the parties cannot agree, touching the amount to be paid for saving said property, the captain, owner, or agent, may choose one indifferent person, and the Salvors another, who shall inquire into all the particulars and circumstances relative to saving the same; and in case they cannot agree touching the award or amount to be paid for saving such property, they may choose another indifferent person as umpire: *Provided*, he be not a resident of the district in which the property has been wrecked,

and in which the award is to be made. And in case the captain, owner, or agent, shall refuse to arbitrate and adjudge the amount to be awarded and paid as above, the Commissioner shall retain a sufficiency of property in his hands to cover all charges. But where the captain, owner, or agent, shall pay all charges as above specified, the Commissioner shall deliver up all property which may have been committed to his care, for which service, he shall be entitled to *two and a half per cent.* commissions—*Provided*, that the value of said property so delivered up, shall not exceed in value *two thousand dollars*, to be valued by appraisers chosen in the same way as for settling salvage; but for all sums from *two thousand*, and not over *four thousand dollars, two per cent.*; from *four thousand* and not over *six thousand dollars, one and a half per cent.*; from *six thousand*, and not over *eight thousand dollars, one and a quarter per cent.*; and for all sums of *eight thousand dollars and upwards, one per cent.*, on the value of all property so delivered up by the Commissioner; but if sales be made by the Commissioner, his compensation shall be double the above on all such sales. But in no case shall the Commissioner have any other control over such property wrecked in his district, otherwise than what the captain, owner or agent may give him: and if the captain, owner or agent may think proper, in case of shipwreck or otherwise, to employ men to save the property, and not to call on the Commissioner, such Commissioner shall not then be entitled to receive any compensation whatever from said captain, owner or agent. But nevertheless, should said captain, owner or agent wish to make sale of or dispose of all or any part of said property, they shall not be permitted to advertise and sell at public auction, without the consent of said Commissioner; and for all such sales made by the captain, owner or agent, unless the Commissioner refuses to act or at-

tend, the captain, owner or agent shall pay to the Commissioner of said district, on all such sales by him or them made, as is herein allowed when sold by the Commissioner himself.

§ III. *Be it further enacted*, That all goods or wrecked property, *under* the value of fifty dollars, the Commissioner of Wrecks may advertise in several places within his district, giving the marks and description of the property; and when he makes sale of them, he shall keep a copy of such description to exhibit to any person when called on. But all wrecked property of the value of *fifty* dollars and under *one hundred*, shall not be advertised for a less time than fifteen days; but at the request of the master, owner or agent, it may be continued or advertised any longer time, not to exceed *thirty days*; and if the captain, owner, or agent, should fail to pay the salvage and other charges as prescribed by this Act, or secure the same to be paid to their satisfaction, the Commissioner may then sell at public auction, so much of the property as will satisfy all lawful demands.

§ IV. *Be it further enacted*, That should the property wrecked or stranded be in a perishing state or condition, and the captain, owner or agent should request the Commissioner to make sale of the same in a shorter time than *fifteen* days, the Commissioner may advertise in the neighborhood or district, and sell in *ten* days; and if the property wrecked, such as grain, shall be sunk under water, or wet, so that it would become a total loss by remaining *ten* days, he may sell in *five* days, or in extreme cases, when grain is under water, he may at his discretion sell in *three* days from the stranding of said property.

By the adoption of some such amendments as the foregoing, your petitioners humbly conceive that the whole

ground relative to the Wreck Laws would be covered, and that full justice would be done to all parties. And as in duty bound, your petitioners will ever pray, &c.

John Blackwell,
F. J. Prentiss,
John Osgood,
James L. Wallace,
Charles Slover,
Lacy Phillips,
J. B. Oxley,
M. W. H. Sumrell,
A. Mitchell,
Sam'l. Oliver,
Jas. J. Roberson,
Henry S. Green,
E. H. Grant,
John Dixon,
George F. Fisher,
Lewis Lee,
Geo. W. Howard,
John Harvey,
Amos Wade,
James Hayward,
Wm. J. Moore,
Moses W. Jarvis,
Robert Primrose,
Wm. G. Bryan,
Th. McLin,
T. L. Hall,
John Brissington,
M. Stevenson, Jr.
J. C. Stevenson,
Charles Kelly,
W. C. Whitford,
H. P. Whitehurst,
Joshua Denby,
Farnifold Pearce,
C. C. Rhodes,
Alex. Miller,
F. S. Duffy,
Walter Duffy,
Jer'h. N. Allen,
John Hutchinson,
Robert D. Dunn,
Joseph A. Williams,
W. J. Williams,
Rich. N. Taylor,
A. T. Jerkins,
Wm. E. Pell,
M. Stevenson, Sr.
James W. Carmer,
Emmet Cuthbert,
Sam'l. Simpson,
J. L. Durand,
H. Brinson,
Peter Custis,
J. D. Flanner,
Jas. Riggs,
Z. Slade,
Guion Scott,
Sam'l. Masters,
E. Clark,
Lewis Phelps.

HOUSE OF COMMONS DOCUMENT—NO. XVII.

A BILL

TO REGULATE

THE APPOINTMENT

OF

FIELD OFFICERS OF VOLUNTEER

REGIMENTS.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

A BILL

To Regulate the Appointment of Field Officers of Regiments of Volunteers called into the service of the United States.

§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That whenever any Regiment or Regiments of Volunteers, out of the Militia of this State, shall be called into the service of the United States, the Field Officers of each Regiment shall be chosen and elected by the persons, private soldiers as well as Officers of Companies who compose such Regiment, which election shall take place at the Rendezvous of said Regiment, a majority of those composing the Regiment and voting, being requisite to a choice of such Field Officers.

§ II. *Be it further enacted,* That as soon after the arrival at the Rendezvous of the Companies composing said Regiment, as the Captains of said Companies, or a majority of them shall deem proper, the said Captains shall call together the Officers and Privates of the Regiment, and proceed to the election of the

Field Officers of said Regiment, the Captains superintending said election, and the voting to be by ballot.

§ III. *Be it further enacted*, That upon such an election taking place, it shall be the duty of Captains of Companies composing the Regiment, or a majority of them, to furnish to each and every Field Officer so elected, a certificate stating the fact of his election, and the office to which he was elected, and upon such certificate being presented to the Governor, he shall issue to the person so elected the commission to which his rank entitles him.

§ IV. *Be it further enacted*, That this Act shall go into effect from and after its passage.

AMENDMENTS.

MR. WM. F. JONES' AMENDMENT.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Militia Laws providing for the election of Field Officers, be repealed, so far as the Volunteer Regiment now called for by the War Department, is concerned; and that the power of electing Field Officers for said Volunteer Regiment, be vested in the General Assembly of this State.

§ II. *Be it further enacted*, That in case one or more Volunteer Regiments should hereafter be called for from this State, then and in that case, that the Field Officers be elected for said one or more Volunteer Regiments, as provided for by the Militia Laws of the State of North Carolina.

MR. WASHINGTON'S AMENDMENT.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the appointment of the Field Officers of the Volunteer Regiment, lately called for by the General Government to serve in the Mexican War, be made by joint vote of the two Houses of the General Assembly, at its present session. And the Officers so appointed shall be commissioned by the Governor of the State.

§ II. *Be it further enacted*, That in case any call should hereafter be made on this State for Volunteers—if during the recess of the General Assembly—the appointment of the Field Officers of the Regiment or Regiments so called for, shall be made, and the officers so appointed, be commissioned by, the Governor of this State.

§ III. *Be it further enacted*, That the Commissioned Officers of Companies shall be appointed by the privates composing said Companies, and commissioned by the Governor.

MR. RAYNER'S AMENDMENT.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the appointment of the Field Officers of the Volunteer Regiment, lately called for by the General Government, to serve in the Mexican War, be made by the Governor of the State, and the Officers so appointed shall be commissioned by him accordingly.

§ II. *Be it further enacted*, That in case any call should hereafter be made by the General Government on this State for Volunteers—if during the recess of the General Assembly—the appointment of the Field Officers of the Regiment or Regiments so called for, shall be made, and the Officers so appointed shall be commissioned by, the Governor of the State.

§ III. *Be it further enacted*, That the commissioned Officers of Companies shall be appointed by the privates composing said Companies, and commissioned by the Governor.

HOUSE OF COMMONS DOCUMENT—NO. XVIII.

A BILL

TO

Incorporate the Orapeake Canal, and TURNPIKE COMPANY,

WITH THE

AMENDMENT

Reported by the Committee of Int. Improvem't,

AND THE

PETITION IN RELATION THERETO.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

PETITION.

To the Honorable, the Legislature of North Carolina, in General Assembly met:

The undersigned, your petitioners, citizens of the County of Gates, would most respectfully represent to your honorable body, that much inconvenience is experienced by a large portion of the citizens of our County, on account of the want of some navigable stream for the transportation of their produce to market: That many years since, there was a small ditch or canal, called the "Cross Canal," cut from the high lands of the White Oak Spring marsh in said County of Gates, leading and emptying into the Dismal Swamp Canal: That said Cross Canal was never cut out or opened of sufficient size to admit boats or vessels of any size, to carry our produce to market, and, therefore, does not afford any convenience at all; which said Cross Canal, by being opened large enough, would be a lasting benefit to the whole community.

We would therefore humbly petition your honorable body to grant a charter for the opening of said Cross

Canal. which is only twelve miles in length, and making the same thirty feet wide and of sufficient depth, with the privilege given to the stockholders thereof, of purchasing at least sixty feet of land on each side of the same, and also of extending the said Canal to Bennet's Creek in said County of Gates, and from thence to the Chowan River, whenever the said stockholders may deem it expedient for them to do so; and the further privilege of constructing a turnpike road on the bank thereof, allowing them to charge and receive a reasonable amount of toll on said Canal and turnpike road. And if the prayer of your petitioners should be heard, and a charter given for the opening and cutting out of said Canal, they would further petition your honorable body, that the stockholders be incorporated under the name of the Orapeake Canal Company, and be allowed to commence working thereon so soon as a sufficient sum shall be subscribed, to complete the Cross Canal above referred to, and a turnpike road; and that they be allowed to charge toll thereon, until the remaining part of said Canal shall be completed. And your petitioners will ever pray, &c.

Wm. H. Harrell,	Isaac Benton,
John Alphin,	Rich'd H. Ballard,
Andrew Voigt,	Isaac Brinkley,
John Brinkly,	Wm. S. Read,
J. L. Harrell,	Thos. E. Powell,
Robert Alphin,	Ro. H. Ballard,
John R. Small,	John C. Gordon,
Jacob Powell,	Holiday Jones,
Willis W. Harrell,	Ro. R. Hill,
David Speight,	Dempsey Knight,
J. T. Morgan,	Seth R. Morgan,
Willis Wiggins,	Henry A. Morgan,
B. Brothers,	George T. Morgan,
A. R. Harrell,	Joseph Gwin,
Jas. N. Harrell,	Jas. J. Norfleet,

Rich'd. Brinkley,
Owen Henderson.
Jas. Rea,
David Small,
Charles J. Barnes,
James P. Small,
Reddick Hill,
Henry Bond,
Arch'd Ellis,
Richard Hill,
Charles E. Ballard,
William Miner,
Jordan Parker,
Joshua Jones,
Kinchen Norfleet,
Nath'l. Doughtd,
John Lassiter,
S. R. Norfleet,
Jesse Eason,
Hardy D. Parker,
Wm. F. Parker,
Jethro Brenthley,
Peter Franklin,
Miles Parker,
Bray Baynes,
Humphrey Parker,
Jas. Taylor.

AMENDMENT

REPORTED BY THE COMMITTEE.

Strike out in the 9th line of section 2nd from the word "And," to the end of the sentence in the 11th line, at the word "such," and insert the following amendment: "By that name and style shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes hereinbefore mentioned, and shall have succession for fifty years, and by said corporate name may sue and be sued; and may have and use a common seal, and shall have and enjoy, and may exercise all the powers, rights, and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this Act; and may make all such By-laws, Rules and Regulations, not inconsistent with the laws of this State and of the United States, as shall be necessary for conducting the affairs of the Company."

A BILL

To Incorporate the Orapeake Canal and Turnpike Company.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books at Gatesville, in the County of Gates, under the direction of William G. Daughtry, Timothy Lassater, Robert H. Ballard, Thomas Riddick and John Gatlin, or any three of them; and at Powell & Harrell's Store in said county, under the direction of John C. Gordon, Isaac S. Harrell, Andrew Voight, Burwell Brothers, and Thomas Powell, or any three of them; and at Deep Creek, in the county of Norfolk, Commonwealth of Virginia, under the direction of Edward Harrell, Henry Costin, and Dr. Arthur Smith, or any two, for the purpose of receiving subscriptions to the amount of Twenty-five Thousand Dollars, for the purpose of opening a Canal and constructing a Turnpike Road from the Highlands of the White Oak Spring Marsh, in Gates County, to the Dismal Swamp Canal, and likewise from the said high lands of the White Oak Spring Marsh to Bennett's Creek in said county of Gates, which subscriptions shall be made personally or by power of attorney; that the said books shall be opened for receiving subscriptions,

on the first day of June next, at the several places aforesaid, and continue open until the first day of September next, inclusive, and on the third Monday of September aforesaid, there shall be a general meeting of the subscribers at Powell & Harrell's Store, aforesaid: of which meeting of the subscribers, notice shall be given by any three of the Directors or Managers aforesaid, in one of the newspapers published in the City of Norfolk Virginia, and in "The Old North State," in Elizabeth City, in the County of Pasquotank, North Carolina, at least twenty days before the said meeting, and such meeting shall and may be continued from day to day, until the business is fully completed and gone through with; and the acting directors or managers aforesaid, shall, at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions; and if one-third part of the amount of capital sum aforesaid, shall, on examination, appear not to have been subscribed, then the said managers or directors, or any three of them, are empowered to take and receive further subscriptions to make up the deficiency of one-third of the amount of the capital sum aforesaid, at any time before the first day of June, 1848; and if it shall appear at any time before the first day of June, 1848, that one-third of the capital aforesaid has been subscribed, the directors or manages aforesaid, shall, at such time as they may appoint, call a general meeting of the subscribers, by advertisement as aforesaid, at Powell & Harrell's Store, and upon examination of the books, if it shall appear to the subscribers, that one-third of the capital sum aforesaid has been subscribed, they shall then proceed to divide the capital sum aforesaid into two hundred and fifty shares, of one hundred dollars each, of which, every person subscribing may take and subscribe for one or more whole shares,

according to the amount of his or her previous subscription, and not otherwise.

§ II. *And be it further enacted*, That in case one third of the said capital, or a greater sum, shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the meeting at which it shall have been ascertained that one-third of the capital had been subscribed as aforesaid, shall be, and are hereby declared to be incorporated into a Company, by the name of "The Orapeake Canal and Turnpike Company," and *may sue and be sued* as *such*, and have succession and corporate existence for a period of fifty years. And such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and three Directors for conducting the said undertaking, and managing all the business of said Company for and during such time, not exceeding three years, as the subscribers, or a majority of them, shall think fit. And in counting the votes of all general meetings of the said Company, each member shall be allowed one vote for every share under ten shares, and one vote for every two shares above ten, by him or her held at the time in said Company. And any proprietor, by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

§ III. *And be it further enacted*, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the said Company, to cut the said Canal, and construct the said Turnpike Road, and perform such other works as they shall judge necessary, for the navigation of the said Canal, the completion of the said Turnpike Road, and the carrying on the same

from place to place, and from time to time, and upon such terms and in such a manner as they shall think fit; and out of the monies arising from the subscriptions and tolls, and other aids hereafter in this Act given, to pay for the same, and to repair and keep in order the said Canal and Canal-locks, and other works necessary thereto; and to defray all incidental charges; and also to appoint a Treasurer, Clerk, and such other officers, toll-gathers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowance: And settle, pass, and sign their accounts; also to make and establish rules of proceeding, and transact all the other business and concerns of said company, in, and during the interval, between the general meetings of the same: And they shall be allowed, as satisfaction for their trouble therein, such sum of money as by the general meeting of the subscribers shall be determined. *Provided always*, that the Treasurer shall give bond in such penalty and with such security as the said President and Directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made to him for his services, shall be regulated by a general meeting of the Stockholders: And that no officer in the said Company shall have a vote in the settlement or passing of his own account.

§ IV. *And be it further enacted*, That before commencing the public work herein contemplated, the President and Directors shall have full power and authority, and they are hereby required, to cause the said Stockholders to pay to the Treasurer of the Company one-fifth of the amount by him or her subscribed as aforesaid, and to order, direct and prescribe at what time and in what proportions said Stockholders shall pay the remaining portion or portions by them respectively subscribed; which orders and require-

ments shall be advertised at least one month in some one of the newspapers hereinbefore specified. And they are hereby authorized and empowered, through the Treasurer aforesaid, to demand and receive of the several Stockholders, the one-fifth part of the several amounts by them subscribed, and likewise from time to time, the sums of money so ordered to be advanced and paid, for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid; and to be by said Treasurer disbursed and laid out, as the said President and Directors, or a majority of them, shall order and direct. And if any of the said Stockholders shall refuse or neglect to pay their said proportion within one month after the same is so ordered and advertised as aforesaid, the President and Directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such Stockholder or Stockholders so refusing or neglecting payment, giving at least one month's notice in some of the newspapers hereinbefore specified; and all such sales shall be in the town of Gatesville aforesaid: And after retaining the sum due, with the interest thereon and charges of sale, out of the money arising therefrom, they shall refund and pay the surplus, if any, to the former owner or owners: And if such sale shall not produce the full sum ordered and directed to be advanced, as aforesaid, with interest and incidental charges, the President and Directors, or a majority of them, in the name of the Company, shall sue for and recover the balance by motion in any Court having jurisdiction thereof, on ten day's previous notice. And the said purchaser or purchasers shall be subject to the same rules and regulations, and entitled to the same profits and privileges, as if the sale and conveyance had been made by the original Stockholder. And to continue the

succession of the said President and Directors, and to keep up the said number.

§ V. *And be it further enacted*, That from time to time, on the expiration of the term for which the said President and Directors were appointed, the Stockholders of said Company, at the next general meeting, shall either continue the said President and Directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation, or incapacity of the President or any of the Directors, may and shall in manner aforesaid, elect any other person or persons to be President and Directors in the room of him or them so dying, removing, resigning, or becoming incapable of acting; and may at any of their general meetings, remove the President or any of the Directors, and appoint others for and during the remainder of the time for which such person or persons were at first to have acted.

§ VI. *And be it further enacted*, That every President and Director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

§ VII. *And be it further enacted*, That the presence of Stockholders having twenty shares at least, shall be necessary to constitute a general meeting; and that there be a general meeting of Stockholders on the third Monday in July, in each and every year, at such convenient place as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the Stockholders who do attend may adjourn such meeting from day to day, until a general meeting of Stockholders shall be had, which may be continued from day to day, until the business of the Company is finished; to which meeting the President and Directors

shall make report, and render just account of all their proceedings, and on finding them fairly and justly stated, the Stockholders then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said Company's books. And at such yearly general meeting, after leaving in the hands of the Treasurer such sum as the Stockholders, or a majority of them shall judge necessary, for the repairs and contingent charges, equal dividends of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the Stockholders of said Company, in proportion to their several shares; and on any emergency in the interval between the said yearly meeting, the President, or a majority of the Directors, may appoint a general meeting of the Stockholders of the Company, at any convenient place, giving at least one month's notice in some one of the newspapers hereinbefore specified, which meeting may be adjourned and continued as aforesaid.

§ VIII. *And be it further enacted*, That for and in consideration of the expenses the said Stockholders will incur, not only in cutting the said Canal, erecting Locks, constructing the said Turnpike Road, and performing other works incident and necessary to this undertaking, but in maintaining and keeping the same in repair, the said Canal, Locks, Turnpike and other works, with all their profits, shall be, and the same are hereby vested in said Stockholders, their heirs and assigns, as tenants in common, in proportion to their respective shares, and the same shall be deemed Real Estate; and it shall and may be lawful for the said President and Directors, whenever the Canal and Turnpike Road aforesaid shall be completed from the high-lands of the White Oak Spring Marsh, to the Dismal Swamp Canal, to demand and receive, at such point as they may designate, on the route aforesaid, for all commo-

dities transported through said Canal, one-half the amount of Tolls now received by the Dismal Swamp Canal Company, and for transportation on the Turnpike Road aforesaid, to demand and receive as aforesaid, one-half the amount of Tolls now received on the Turnpike running parallel with said Dismal Swamp Canal. *Provided*, That the said Stockholders, or a majority of them, shall have full power and authority at any general meeting, to reduce said Tolls, or any of them, or to determine that any article may pass free of Toll.

§ IX. *And be it further enacted*, That if it shall appear to the Stockholders aforesaid, after the completion of the Canal and Turnpike, from the highlands of White Oak Spring marsh to the Dismal Swamp Canal, there shall not remain of the funds hereinbefore directed to be subscribed and paid, a sufficiency thereof to enable the said Company to carry on and complete the Canal and Turnpike from the point of departure aforesaid to Bennett's Creek, then and in that case, it shall and may be lawful for the Stockholders aforesaid, in general meeting, a majority being present, to cause books to be re-opened, at such time as they may deem fit, at the places and under the management of the same persons as hereinbefore set forth in the first section of this Act, or under the management of such other persons as may be appointed by the Stockholders in general meeting as aforesaid, for the purpose of receiving further subscriptions for carrying out and completing the public works aforesaid; and keep said books open for such length of time as the said Stockholders in general meeting as aforesaid shall direct, until the whole of the capital sum of Twenty-five Thousand Dollars shall have been subscribed, or so much thereof as by the Stock-holders or a majority of them, may be deemed sufficient for the purposes

herein set forth, which said subscriptions, when so as aforesaid subscribed, shall be managed, regulated and controlled, as is hereinbefore provided and prescribed, for previous subscriptions. And the President and Directors, and Stockholders, are hereby invested with all the powers and authorities relative to the subscriptions set forth and contemplated in this section, that they are permitted to have and exercise relative to the subscriptions hereinbefore specified.

§ X. *And be it further enacted*, That whenever it shall be deemed expedient by a majority of the Stockholders in general meeting, in view of the condition of their funds, and the state of the subscriptions authorized in the preceding section of this Act, to commence the prosecution of the work aforesaid, from the highlands of the White Oak Spring Marsh to Bennett's Creek aforesaid, they are hereby authorized and empowered so to do.

§ XI. *And be it further enacted*, That the said President and Directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements, through which they may desire to conduct their Canal and Turnpike Road, and to lay out the same according to their pleasure, so that the dwelling-house, kitchen, yard or garden of no person be invaded without his or her consent. And the said President and Directors, or a majority of them, are authorized and empowered to agree with the owners of any land through which said Canal and Turnpike Road are intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the State, application by petition to the County Court of the County in which said lands shall lie, may be made; and upon such application, the Court shall appoint five disinterested and

impartial freeholders to assess the damages to the owner, from the condemnation of the land for the purposes aforesaid. No such appointment, however, shall be made, unless ten day's previous notice of the application shall have been given to the owner of the land, or guardian, if the owner be an infant, or *non compos*, if such owner or guardian be found within the County; or if he or she cannot be found, the appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day of the next preceding Term of said Court. A day for the meeting of the said freeholders, to perform the duty assigned them, shall be designated in the order appointing them. Of the five freeholders so appointed, any three or more of them may act, after having been duly sworn before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land, for the condemnation thereof for the use of the Company, and that they will truly certify their proceedings thereupon to the County Court of said County.

§ XII. *And be it further enacted*, That it shall be the duty of said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same, and hearing such proper evidence as may be offered by either party, they shall ascertain, according to their best judgment, the damages which the proprietor of the land will sustain by the condemnation thereof for the use of the Company.

§ XIII. *And be it further enacted*, That when the said freeholders shall have agreed upon the amount

of damages, they shall forthwith make a written report of their proceedings under their hands and seals, to the next Term of the Court aforesaid thereafter to be held, and unless good cause to the contrary be shown, said report shall be confirmed by the Court and entered of record. But if said report should be disaffirmed, or if said freeholders should, from any cause, fail to make report as required, the Court may, in its discretion, as often as may be necessary, supersede them or any of them, appoint others in their stead, and direct another view to be made, and report in the manner above prescribed.

§ XIV. *And be it further enacted,* That on the confirmation of any such report, and on payment or tender to the proprietor of the land, of the damages so assessed, or the payment of said damages into Court, the land viewed and assessed as aforesaid, shall be vested in the Orapeake Canal and Turnpike Company, and they shall be adjudged to hold the same in fee simple, in the same manner as if the proprietor had sold and conveyed it to them. *Provided, however,* that the quantity thus condemned, shall at no point, exceed sixty feet from the outer margin of the Canal and Turnpike aforesaid.

§ XV. *And be it further enacted,* That all laws and clauses of laws, coming in conflict with the provisions hereof, be, and the same are hereby repealed.

HOUSE OF COMMONS DOCUMENT—NO. XIX.

AN ACT

FOR THE

APPOINTMENT OF COMMISSIONERS OF WRECKS,

AND

In relation to their duties and the duties of others, in relation to Wrecks and Wrecked Property.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

AN ACT

For the Appointment of Commissioners of Wrecks, &c.

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§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That after the first day of next, it shall and may be lawful for the several County Courts of Curituck, Onslow, Carteret, New Hanover, and Brunswick, and they are hereby required, at their first County Courts, and each and every year thereafter, to appoint two or more discreet and proper persons as Commissioners of Wreck

in their respective counties for the next ensuing year, who shall severally enter into bonds with two or more good and sufficient securities, in the Court of the County where they reside, in the sum of five thousand dollars, for the faithful discharge of the duties of their office ; and they shall also, before taking their commissions, subscribe to the following oath before a Justice or other proper officer, which oath is to be recorded, to-wit: "I, do solemnly swear, that I will truly and faithfully discharge the duties of Commissioner of Wrecks, in the County of agreeable to law and to the best of my skill and ability, so help me God :" and it shall be the duty of the Clerks of the aforesaid County Courts, to make out a certificate to each Commissioner appointed as aforesaid.

§ II. *Be it further enacted*, That it shall be the duty of the Commissioners appointed as aforesaid, on the earliest intelligence given, or on application to them made by or on behalf of any owner, super-cargo, or commander of any ship or other vessel being stranded or being in danger of stranding, or on behalf of the owner or representative of any property being wrecked or abandoned, of the value of one hundred dollars or more, to command any Sheriff or Constable nearest the place where such ship, or vessel, or property shall be, to summon as many men as shall be thought necessary, to the assistance of such ship, or vessel, or property, who are to be under the direction of the master or owners, insurer, agent, or their representative, assisted by the Commissioners ; and the Commissioners, and all others, who shall assist in preserving any ship, or other vessel, or property, as aforesaid, shall, within forty days, be paid a reasonable compensation by the commander or owner of the ship or vessel in distress, or by the merchant whose vessel

or goods shall be saved, or other representative of said property, and in default thereof, the vessel or goods shall remain in the custody of the Commissioners of salvors, until all reasonable charges be paid, or good and sufficient security be given for that purpose. If the same be susceptible of division, one-half may be retained in kind as such security, and the balance shall be released, or if sold, one-half of the proceeds may be retained as security, in case other good and sufficient security is not given. And in case the parties shall disagree touching the amount of compensation to be paid to the persons employed, it shall be lawful for the commander of such vessel saved, or the owner of the goods, or merchant, or other person interested, or their legal representative, or agent, to choose one disinterested and indifferent person, and also for the Commissioner or salvor, or laborers, to nominate one other disinterested and indifferent person, who shall adjust and ascertain the same, and such adjustment shall be binding on all parties; the amount awarded shall not exceed one-half in kind or value, and to be recoverable with costs in any Court of Record, or any competent jurisdiction within this State. And if such adjustment shall be unsatisfactory to either party, he shall declare his dissent, and thereupon the said award shall be returned to the next Superior Court of the County where the same was made; and it shall be competent for the said Court to cause the same to be re-examined, and to pronounce such judgment thereon as they may deem just; and in the mean time, it shall be the duty of the Commissioner of Wrecks to retain in his hands, in order to satisfy said judgment, the amount awarded by the referees or umpire, which is in no case to exceed one-half of the property or its value.

§ III. *Be it further enacted*, That the Commissioners appointed as aforesaid, shall not take upon them-

selves any power or authority to advertise, or in any way to dispose of any vessel or cargo, or other property, or any part thereof, when there is any owner, supercargo, consignee, captain, insurer, or other duly authorized agent present, but in all things to aid and assist him or them as he or they may direct; and for such services, such Commissioner shall be allowed a compensation not exceeding two and one-half per cent. on the value of the property, which is not to be deemed higher than the selling price; or five dollars per day, at the option of the owner, master, supercargo, insurer, agent, or claimant of the property.

§ IV. *Be it further enacted*, That no person exercising the business or calling of a Pilot, and no Pilot, shall hereafter be or act as a Commissioner of Wrecks. No Commissioner shall, in any case, be entitled to salvage, or property saved; and for the discharge of all the duties which now are, or may hereafter be imposed on each and all of them by law, no Commissioner shall be entitled to receive any thing more than the commissions or the daily compensation allowed him as such in this Act; any law, usage, or custom to the contrary notwithstanding. And any person who shall interfere with the rights and privileges of any Commissioner, shall be liable to such Commissioner in an action on the case for such damage as the Commissioner shall sustain by reason of such interference: *Provided*, That the Commissioners allow such person, if he shall have been employed in the absence of the Commissioner, a reasonable daily compensation for the trouble the person thus employed may have undergone.

§ V. *Be it further enacted*, That if the wrecked property be green fruit or vegetables in a wet and perishing state, and no means for drying or preserving

the same, such wet property only may be sold by the Commissioner, on giving a public notice of not less than four days, (in four or more of the most considerable places in the State, containing the largest number of inhabitants likely to purchase the damaged articles,) other property is not to be sold, until the same is publicly advertised for not less than ten days nor more than thirty days, in one public newspaper in and one in and by hand-bill, at such other public places in the State as shall be deemed advantageous, not less than four, at suitable distances from each other, to attract purchasers. All property, whether perishable or not, must be sold in such lots and parcels as are likely to bring the best prices and proper competition. And in case the master, supercargo, owner, insurer, or agent, is present or in the vicinity, their concurrence in the sale is to be obtained.

§ VI. *Be it further enacted*, That persons pressing on board, or remaining on board of wrecked or stranded vessels, without leave, may be repelled by force. If any person besides those empowered by the Commissioners, or any one of them, shall enter or endeavor to enter on board any vessel in distress or stranded, without the leave of the captain or owner, insurer or agent, or in case any person shall molest them in saving the vessel or goods, or shall intentionally injure, deface, or disguise the goods at any time, or deface the marks of any such goods before they be taken down in a book by the Commissioners, or one of them, every such person shall forfeit and pay the sum of five hundred dollars, to be recovered before any competent jurisdiction in this State, to the use and benefit of the owner of the vessel or goods, as the case may be; and in case of failure to pay such forfeiture immediately, or give security to pay

the same within twenty days, he or they shall be committed to the County Jail, not exceeding three months. And in case any goods shall be found upon any person, that were stolen or carried off from any vessel in distress or stranded, the person upon whom such goods shall be found, shall, upon demand, deliver the same to the owner or Commissioner, or to such other person as shall be authorized by the owner or Commissioner to receive such goods, or shall be liable to pay treble the value, to be recovered before any competent jurisdiction, as aforesaid.

§ VII. *Be it further enacted*, That when any person or persons shall find any stranded property, or property afloat, or property abandoned, within the waters of the State, and no owner appearing to claim the same, he or they shall, as soon as possible after saving the same, give information to the nearest Commissioner thereof, and to him deliver the same, for which he shall be entitled to his reasonable salvage, not exceeding one-half, to be ascertained in manner before directed. And should any person finding stranded goods or other property as aforesaid, conceal the same, or convert them to his own use, or fail within ten days to give information thereof to the nearest Commissioner of Wrecks in his or their County, on proof thereof, he or they shall pay to the Commissioner discovering or prosecuting for the same, double the value of such property, to be recovered before any competent jurisdiction having cognizance thereof.

§ VIII. *Be it further enacted*, That if the property is of less value than one hundred dollars, it shall be the duty of the Commissioner to take charge of it if brought to his premises. And it shall be lawful for him to take charge of such property elsewhere, if within his district and he is willing to do so. The

compensation to be awarded to persons working as laborers on a wreck or in saving wrecked property, is not to exceed two dollars per day. If the service is hazardous and dangerous to life, salvage may be allowed not exceeding one-half of the property if paid in kind, and if sold, not exceeding fifty per cent. of the proceeds.

§ IX. *Be it further enacted*, That the captain, supercargo, owner, insurer, or agent, may dismiss any salvor, laborer, or Commissioner, whenever either of them chooses to do so. On giving sufficient security to one of the Commissioners, or to the Sheriff of the County, for the amount of such salvage or labor, either the master, supercargo, owner, insurer, or agent, may remove property subject to charges for saving or for labor; and any person holding or attempting to hold it after such security, shall be liable to damages for so doing.

§ X. *Be it further enacted*, That in case wrecked property, or property abandoned at sea, is discovered without any claimant or representative, it shall be the duty of the Commissioner to endeavor to ascertain the owner or representative, and if of sufficient value to pay the expenses, he shall cause hand-bills to be put up in some public places, describing the same, with the marks and numbers, if any; and also to give public notice weekly, for twelve months, in one public newspaper printed at Norfolk, and one at some other Town in the State, unless the owner or his representative is sooner discovered, and the intelligence communicated to him. The expense of such publication, and reasonable expenses for retaining the property, to be charged upon the property. If no owner, representative, or properly authorized agents appear, such property is then to be advertised for sale in like manner, and after deducting

charges and a commission of five per cent. the balance is to be paid into the Treasury of the State.

§ XI. *Be it further enacted*, That every Commissioner shall provide himself with books, in which he shall keep a list of all property saved or coming into his possession or charge, describing it particularly with marks and numbers, if any, and in which he shall also record his proceedings, with an account of the sales, charges, and settlements he may make, and the names of the parties thereto: One copy of the sales in all cases, to be given to the master, owner, or other representative of the property. The laws relating to Wrecks, etc. passed, are hereby repealed, except as to proceedings already commenced.

HOUSE OF COMMONS DOCUMENT—NO. XX.

A BILL

TO

AMEND AN ACT,

ENTITLED

An Act, to consolidate and amend the Acts heretofore passed on the subject of Common Schools.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

RESOLUTIONS.

Resolved, That the Committee on Education be instructed to enquire into the expediency of so amending the Law on Common Schools, as to change the time of electing the School Committee-men, and that they report by Bill or otherwise.

Resolved, That the Committee on Education be instructed to enquire into the expediency of authorizing the Board of Superintendents of Common Schools to appoint a Committee of Examination, consisting of not more than five persons, whose duty it shall be to examine into the qualifications, both moral and literary, of applicants for Schools in their respective Counties, and that they report by Bill or otherwise.

BILL.

§ I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the School Committee of the several School Districts, shall be elected on the last Saturday of June in each and every year, whose term of service shall commence on the first Monday in July, and continue for one year and until others are chosen.

§ II. *Be it further enacted*, That the Board of Superintendents of Common Schools, in the several Counties of this State, are authorized, empowered and directed to appoint a Committee of Examination, consisting of not more than five persons, whose duty it shall be to examine into the qualifications, both mental and moral, of all such persons as may apply for employment as teachers in any of the Common Schools in their respective Counties; which said Committee of Examination shall and may be con-

vened by the said Board, at such time and place as to them may seem expedient.

§ III. *Be it further enacted*, That hereafter, no person shall be employed as a teacher in any of the Common Schools of this State, unless he obtain from the Committee of Examination for the County in which he seeks employment, a certificate of his good moral character and sufficient mental qualifications as such teacher.

§ IV. *Be it further enacted*, That the Chairmen of the Board of Superintendants of Common Schools in this State, shall in no case pay any draft drawn on him for any of the funds set apart for the support of Common Schools, unless such draft shall be accompanied with a report from the Committee of the District, stating the name of the teacher in said District, the length of time for which the School may have been kept during the current year, and the several branches taught.

§ V. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this Act, be, and the same are hereby repealed.

HOUSE OF COMMONS DOCUMENT—NO. XXI.

A BILL

TO INCREASE

THE REVENUE OF THE STATE.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL.

WHEREAS, there are many wealthy citizens of this State, who derive very considerable revenues from monies which produce interest, dividends, and profits, and who do not contribute a due proportion to the public exigencies of the same:

§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Public Treasury of this State, and for the use and service thereof, that is to say, upon the principal of every sum or sums of money at interest, in trade, or vested in stocks or shares of any

trading or incorporated company, yielding a dividend or profit, (the interest, dividend or profit of which is safely secured, and actually due or received,) over and above the sum each person pays interest upon, and the sum of one thousand dollars besides, there shall be assessed and collected, the sum of ten cents on every hundred dollars which shall have produced, for the year next before the owner or owners thereof shall give in his, her, or their tax list, an interest, dividend or profit of six per cent. and a proportionate sum on all other sums of money drawing less or more than six per cent. by way of interest, dividend or profit. This tax to be returned on oath to the Justice appointed to take the list of taxables and taxable property, to be recovered, collected and accounted for by the Sheriffs of the several Counties, in like manner as they have been authorized and required by law, heretofore to do, in collecting and accounting for the other State taxes: *Provided*, that this Act shall not extend to any stock or shares in any of the incorporated Banks of this State already taxed by law: *Provided, further*, that each and every merchant or mercantile firm, who shall have obtained and paid for a merchant's licence, shall have of their capital over and above the sum of one thousand dollars, and a sum equal to the debts they owe, exempted from the provisions of this Act, as follows, to wit: for a merchant's licence taxed six dollars, the sum of six thousand dollars; a merchant's licence, taxed eight dollars, eight thousand dollars; a merchant's licence taxed twelve dollars, twelve thousand dollars; a merchant's licence taxed sixteen dollars, sixteen thousand dollars, and a merchant's licence taxed twenty dollars, twenty thousand dollars.

§ II. *Be it further enacted*, That each and every person shall annually render to the Justice appointed to take the list of taxables and taxable property, as

a part of, and in addition to his taxables and taxable property, the amount of tax which he, either in his own right or the right of any other person whomsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, is liable to pay under this Act; and it shall be the duty of said Justice to administer the following oath to all such persons as may be liable to pay the same, and to list their property for taxation, to-wit: "You, A. B. do solemnly swear, (or affirm, as the case may be,) that you, either in your own right or the right of any other person whomsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, are not liable for more taxes, under an Act of the General Assembly, entitled 'An Act to increase the Revenue of the State,' passed in 1846–47, than the amount which you have now listed, and that the list by you delivered, contains a just and true account of all the property which by law you are bound to list for taxation, to the best of your knowledge and belief, so help you God."

§ III. *Be it further enacted*, That each and every person liable to pay tax, by and under the provisions of this Act, who shall fail to list the same, or refuse to take the oath herein prescribed and required, shall, in addition to the payment of a double tax, forfeit and pay into the Public Treasury, the sum of one hundred dollars for each year's failure or refusal aforesaid; and it shall be the duty of the several Sheriffs aforesaid, to levy, collect, and account for the same as in cases of double tax, unless the County Court shall, within nine months thereafter, on satisfactory cause shewn to them by such delinquent, order said forfeiture to be released and remitted.

§ IV. *Be it further enacted*, That it shall be the duty of the Justices, appointed to take the lists of

Taxable property, to list the taxes herein required to be listed, in a separate column headed, "Tax on Capital," and the Clerks of the several County Courts shall record, advertise and return, the same to the Comptroller's office, in the same manner, and in case of failure under the same penalties, forfeitures and liabilities, as now prescribed by law in relation to all other taxables.

A BILL

TO

TO IMPOSE A TAX

UPON

CERTAIN ARTICLES.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

HOUSE OF COMMONS DOCUMENT—NO. XXII.

A BILL

TO

TO IMPOSE A TAX

UPON

CERTAIN ARTICLES.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1846.

BILL.

§ 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of March next, (1847,) there shall be imposed and levied annually, a tax upon the following articles, viz: upon all money at interest, over and above the sum of two thousand dollars, one-fourth of one per cent, except on the money of minors; on all pleasure carriages with four wheels, one-half of one per cent. upon the value thereof; on all cotton or woolen manufacturing companies, declaring a dividend of six per cent. and less than ten per cent. one-eighth of one per cent. upon the amount of capital invested in such cotton or woolen manufacturing company; on all such stock declaring a dividend of more than ten per cent. per annum, one-fourth of one per cent.; on every surgeon dentist, ten dollars; on all practising physicians, whose practice shall yield an income not exceeding one thousand dollars, the sum of five dollars; on all such persons whose practice shall yield more than one thousand dollars, the sum of ten dollars; on

all practising lawyers, whose practice shall yield an income not exceeding one thousand dollars, the sum of five dollars; on all such persons whose practice shall yield more than one thousand dollars, the sum of ten dollars; on all gold watches in actual use, the sum of one dollar; on all silver watches in actual use, the sum of fifty cents; on all pedlars of dry goods the sum of forty dollars per annum for every County in which such pedlar shall peddle.

§ II. *Be it further enacted*, That it shall be the duty of every Justice of the Peace who shall take a list of taxable property in the State, to require each person on giving in his tax list, to swear that the tax list contains all the articles for which he is by law required to pay a tax, and that such person has valued his property at a fair valuation. And it shall also be the duty of every such Justice of the Peace, before administering the oath, to call over to each person giving in his list of taxable property, all articles subject to taxation.

§ III. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this Act, be and the same are hereby repealed.

HOUSE OF COMMONS DOCUMENT—NO. XXV.

REPORT

OF

THE COMMITTEE,

WHO WERE CHARGED

With an examination of the Accounts of the Treasurer of the Raleigh and Gaston Rail Road.

RALEIGH:
W. R. GALES, PRINTER TO THE LEGISLATURE.
1847.

REPORT.

Your Committee, who were charged with an examination of the Accounts of the Treasurer of the Raleigh and Gaston Rail Road, having performed the duty assigned them, beg leave to

REPORT:

That, after an inspection of the Books, and a comparison of the Vouchers with the items of expenditure, your Committee find this department of the business of the Road to have been managed with ability and fidelity, and that the Accounts conform strictly to the exhibit made by the Board of Commissioners to the Legislature.

WILL. FOY, *Chairman.*

Office Raleigh and Gaston Rail Road,
November, 1846.

To the Board of Commissioners
Of the Raleigh and Gaston Rail Road:

The undersigned, in obedience to your request, transmits the accompanying statements marked A, B, and C, exhibiting in detail, the business of the Raleigh and Gaston Rail Road, from 1st January to 31st October, 1846, inclusive.

Respectfully submitted,

W. W. VASS, *Treas'r.*

(A.)

RECEIPTS from Transportation, for the 10 months ending on 31st October, 1846.

	Freight.	*Passengers.*	*Total.*
January,	$1,862 90	$1,321 47	$3,184 37
February	1,764 52	1,262 65	3,027 17
March,	2,834 28	1,950 13	4,781 41
April,	4,330 11	1,826 12	6,156 23
May,	4,100 44	1,737 37	5,837 81
June,	1,980 41	2,055 13	4,035 54
July,	1,496 28	2,092 45	3,588 73
August,	2,522 90	2,228 73	4,751 63
September,	2,072 80	2,539 10	4,611 90
October,	2,563 22	2,372 79	4,936 01
	$25,527 86	$19,385 94	$44,913 80
Received on account of Mail,		$4,443 63	
Amount due, but not yet received on account of Do.		2,564 00	
			7,007 63
Total receipts for the 10 months,			$51,921 43

W. W. VASS, *Treas.*

(B.)

A STATEMENT of Transportation Expenses for the 10 *months ending on* 31*st October*, 1846.

Expended on account of	Transportation.	Repairs Road.	Repairs Engines, Cars, &c.	Depots.	Salaries.	Fuel.	Extra'ry. Repairs.	Contingencies.	Total.
January	21 75	14 08	293 71	75			127 40		457 69
February	578 94	870 90	253 01	64 50		262 38	142 77	8 50	2,181 00
March	324 92	1,138 47	397 56	65 83		158 50	148 60	12 00	2,245 88
April	433 64	2,057 35	597 89	730 26	600 00	440 00	86 80	27 40	4,973 44
May	773 72	2,218 26	583 91	182 50		548 75	350 80	21 41	4,679 35
June	516 60	1,068 60	888 81	61 00		133 23	407 47	31 40	3,107 22
July	363 24	2,323 75	507 27	829 43	600 00	289 50	157 40	10 00	5,280 59
August	485 00	2,838 61	1,002 79	58 52			45 20		4,430 11
September	426 96	429 74	1,089 64	119 60		238 55	12 00		2,311 49
October	505 69	1,404 91	952 43	703 11	600 00	546 61	1,653 66		6,366 41
	$4,630 46	14,364 67	6,567 02	2,815 50	1,800 00	2,612 52	3,132 10	110 91	$36,033 18

W. W. VASS, *Treas.*

(C.)

STATEMENT of the affairs of the Raleigh and Gaston Rail Road, from 1st January to the 31st October, 1846, inclusive.

Total Receipts from Transportation—see Statement A.			$51,923 43
Received from other sources,			94 03
Total receipts from all sources,			52,015 46
Expenses per Statement B.			
On account charges on Transportation,		4,630 46	
Do.	Repairs on Road,	14,364 67	
Do.	do. Engines, Cars, &c.	6,567 02	
Do.	Depot expenses,	2,815 50	
Do.	Salaries,	1,800 00	
Do.	Fuel,	2,612 52	
Do.	Extraordinary Repairs,	3,132 10	
Do.	Contingencies,	110 91	
			36,033 18
Excess of Receipts over Expenditures, for the 10 months,			$15,982 28
July 1st. Paid over to the Public Treasurer of State, as profit,		7,200 00	
Amount due from P. O. Department,	2,564 00		
Petersburg R. R. Co.	4,401 67		
Agents on the Road,	1,491 66		
Treasurer's Cash,	324 95		
		8,782 28	
			15,982 28

W. W. VASS *Treas*